

**Transcript of the Testimony of  
Gary Tuli**

**Date:**

November 23, 2020

**Case:**

APRIL JOHNSON vs CITY OF SAN ANTONIO

Gary Tuli

November 23, 2020

3 APRIL JOHNSON, an )  
4 individual, A.N.E.R., an }  
("a minor child"), an )  
5 individual, )  
6 Plaintiffs, )  
7 vs. ) No. 5:19-cv-00733-DAE  
8 THE CITY OF SAN ANTONIO, )  
9 OFFICER GARY TULI (BADGE )  
#517), individually and )  
in his official capacity, )  
10 OFFICER JESSICA OSORIA )  
(BADGE #1422), )  
11 individually and in her )  
official capacity, )  
12 OFFICER DANIEL GROCE )  
(BADGE #1182), )  
13 individually and in his )  
official capacity, AND )  
DOES 1 through 25, )  
14 )  
15 Defendants. )

ORAL VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
GARY TULI  
November 23, 2020  
(Reported Remotely)  
\* \* \* \* \*

20 THE ORAL VIDEOTAPED VIDEOCONFERENCE DEPOSITION  
21 of GARY TULI, produced as a witness at the instance of the  
22 Plaintiffs, and duly sworn, was taken in the above-styled  
23 and numbered cause on the 23rd day of November, 2020, from  
24 10:03 a.m. to 5:47 p.m., before RACHELLE THOMPSON, RPR,  
25 CRR, Certified Shorthand Reporter in and for the State of

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1 Texas, reported by stenographic and computer-aided transcription, in the Law Offices of Charles Frigerio, 111 Soledad, Suite 840, San Antonio, Texas 78205, pursuant to the Federal Rules of Civil Procedure, the First Emergency Order Regarding the COVID-19 State of Disaster, and the provisions stated on the record or attached hereto.			1 WITNESS INDEX PAGE		
8 APPEARANCES			2 GARY TULI		
9 FOR THE PLAINTIFF(S):			3 Examination by Ms. House 9 Errata Sheet 287		
10 ARTESSIA K. HOUSE, ESQ. TESS HOUSE LAW, PLLC (Via Videoconference) 6840 San Pedro Avenue 12 San Antonio, Texas 78216 (210) 249-2985 13 Tess@lesshouselaw.com			4 Reporter's Certification 289		
14 FOR THE DEFENDANT CITY OF SAN ANTONIO:			5 EXHIBITS		
15 MICHAEL J. URBIS, ESQ. 16 ASSISTANT CITY ATTORNEY - LITIGATION DIVISION (Via Videoconference) 17 100 West Houston Street 18 18th Floor 18 San Antonio, Texas 78205 (210) 207-8975 19 Michael.urbis@sanantonio.gov			6 NO. DESCRIPTION PAGE		
20 FOR THE DEFENDANT OFFICER GARY TULI (individually):			7 T. Exh. 1 Civilian phone video, 270 Bates-stamped COSA000271		
21 CHARLES S. FRIGERIO, ESQ. 22 HECTOR SAENZ, ESQ. 23 LAW OFFICES OF CHARLES S. FRIGERIO, P.C. (Via Videoconference) Riverview Towers 24 111 Soledad, Suite 840 San Antonio, Texas 78205 (210) 271-7877 25 Csfrigeriolaw@sbcglobal.net			9 T. Exh. 2 Officer Tuli's BWC video, 89 Bates-stamped COSA000265		
22 T. Exh. 4 Officer Tuli's Coban Video-Rear, 277 Bates-stamped COSA000267			10 T. Exh. 5 Officer Groce's Coban video-front, Bates-stamped COSA000245 190		
23 T. Exh. 6 Officer Carrasco's BWC video #1, 202 Bates-stamped COSA000235			11 T. Exh. 7 Officer Carrasco's BWC video #2, 203 Bates-stamped COSA000236		
24 T. Exh. 9 Officer Cavazos' BWC video, 231 Bates-stamped COSA000237			12 T. Exh. 10 Officer Hooten's BWC video, 239 Bates-stamped COSA000249		
25 T. Exh. 11 Sgt. Hensley's BWC video, 250 Bates-stamped COSA000246			13 T. Exh. 32 Supplement Police Report by Officer Tuli, Bates-stamped COSA 000028-000029 (2 pages) 147		
26 T. Exh. 70 Photograph of Gary and Melissa Tuli, Bates-stamped JOHNSON000200 (1 page)			14 T. Exh. 70A Photograph of Gary Tuli and children, Bates-stamped JOHNSON000201 (1 page) 25		
27 T. Exh. 70B Photograph of Melissa Tuli's Facebook page, Bates-stamped JOHNSON000202 (1 page) 27			15 T. Exh. 70C Photograph of the Tuli family, Bates-stamped JOHNSON000204 (1 page) 28		
28 T. Exh. 70D Photograph of Gary and Melissa Tuli, Bates-stamped JOHNSON000205 (1 page) 29			16 T. Exh. 70E Photograph depicting Gary Tuli and kids at rodeo, Bates-stamped JOHNSON000206 (1 page) 30		
29 T. Exh. 70F Photograph of Tuli family at restaurant, Bates-stamped JOHNSON000270 (1 page) 30			17 T. Exh. 70G Photograph of Tuli family at restaurant, Bates-stamped JOHNSON000209 (1 page) 31		
30 T. Exh. 70H Photograph of Tuli family reunion, Bates-stamped JOHNSON000211 (1 page) 31			18 T. Exh. 70I Photograph depicting Gary Tuli and daughter Jordan, Bates-stamped JOHNSON000212 (1 page) 32		
31 T. Exh. 70J Photograph of Gary Tuli and daughter Jordan, Bates-stamped JOHNSON000213 (1 page) 32			19 T. Exh. 70K Photograph of Gary Tuli and son Tyson, Bates-stamped JOHNSON000214 (1 page) 32		

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NO.	DESCRIPTION	PAGE		
3	T. Exh. 70L Photograph of Gary and Melissa Tuli, Bates-stamped JOHNSON000215 (1 page)	33	1 MR. URBIS: Yes. Michael Urbis, for the City of San Antonio.	
5	T. Exh. 71 Photograph of Gary Tuli, Bates-stamped JOHNSON000196 (1 page)	41	3 THE REPORTER: Sir, if you'd raise your right hand, please.	
7	T. Exh. 71A Photograph of Gary Tuli, brother and cousin, Bates-stamped JOHNSON000197 (1 page)	41	5 GARY TULI,	
9	T. Exh. 71B Photograph depicting Gary Tuli with Highway Patrol car, Bates-stamped JOHNSON000198 (1 page)	42	6 having been first duly sworn, was examined and testified as follows:	
11	T. Exh. 78 San Antonio Police Department General Manual Section 200 - Rules and Regulations, Bates-stamped COSA000335 (1 page)	143	8 THE WITNESS: Yes, ma'am.	
13	T. Exh. 79 San Antonio Police Department General Manual Section 501, Use of Force Policy, Bates-stamped COSA000618-000628 (11 pages)	154	9 MS. HOUSE: I would like to take care of some stipulations first. Is everyone in agreement to waiving objections to the reporter's qualifications, counselors?	
15	T. Exh. 80 San Antonio Police Department General Manual, Section 611 - Mentally Ill Persons, Bates-stamped COSA000770-000779 (10 pages)	178	13 MR. FRIGERIO: She's qualified. I mean, I use the same firm.	
17	T. Exh. 81 San Antonio Police Department General Manual Section 3.04, Bates-stamped COSA000335-000336 (2 pages)	274	15 MS. HOUSE: Okay. But waiving any objections that may exist?	
19			17 MR. FRIGERIO: To her qualifications?	
21			18 MS. HOUSE: Yes, sir.	
23			19 MR. FRIGERIO: I have no objection to her qualifications. She's qualified.	
25			21 MR. URBIS: I have no objections to her qualifications.	
PROCEEDINGS (Proceedings commenced at 10:03 a.m.)			23 MS. RODRIGUEZ: No objections.	
THE REPORTER: We're on the record. Today's date is November 23rd, 2020. The time is 10:03 a.m. This is the deposition of Gary Tuli and it is being conducted remotely by agreement of the parties or in accordance with the current Emergency Orders. The witness is attending from the law offices of Charles S. Frigerio, located at 111 Soledad, Suite 840, San Antonio, Texas, 78205.			24 MS. HOUSE: Any objections – waiving any objections to defects in the deposition notice, if there	
My name is Rachelle Thompson, CSR No. 4003, with Kim Tindall & Associates. I am administering the oath and reporting the deposition remotely by stenographic means. My business address is 16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232.			25	be any?
The witness has been identified to me through his Texas driver's license.			1 MR. FRIGERIO: Not to the notice itself. I will obviously be raising objections pursuant to the rules during the deposition.	
Would counsel please state their appearances for the record.			2 MS. HOUSE: Okay. Any objections to the notice itself?	
MS. HOUSE: My name is Attorney Artessia House. I represent April Johnson, next of friend for minor child, A.N.E.R.			3 And are we stipulating to preserving until trial all objections except as to form?	
MR. FRIGERIO: Charles Frigerio, representing Officer Tuli.			4 MR. FRIGERIO: Form or nonresponsive in accordance with the Federal Rules of Civil Procedure.	
MS. RODRIGUEZ: Clarissa Rodriguez, representing defendants Daniel Groce and Jessica Osoria.			5 MS. HOUSE: Okay. Can we stipulate to -- that this deposition will go along in accordance to the rules of Federal Civil Procedure as Charles stated?	
			6 MR. FRIGERIO: Yes.	
			7 MS. RODRIGUEZ: Yes.	
			8 MR. URBIS: Sure.	
			9 MS. HOUSE: Thank you.	
			10 DIRECT EXAMINATION	
			11 BY MS. HOUSE:	
			12 Q. Good morning, Mr. Tuli. Can you please state your name for the record?	
			13 A. Gary Shawlee Tuli. Good morning.	
			14 Q. Gary, can you spell your middle name?	
			15 A. S-h-a-w-l-e-e.	
			16 Q. And I'm not going to use your first name out of	

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1 respect for you, sir. We haven't had a chance to meet.	1 A. No, ma'am.
2 My name is Artessia House. I'm the attorney that's been	2 Q. And you're -- you said you're physically located
3 hired to represent April Johnson on behalf of a minor	3 in your attorney's office. Are you in a conference room?
4 child, A.N.E.R.	4 A. Yes, ma'am. I'm in a conference room.
5 As you know, there's a lawsuit going on and	5 Q. Is there anyone else physically present in this
6 with all that's going on, it can appear very adversarial	6 room with you?
7 especially when there's court proceedings. Let me tell	7 A. Yes, ma'am.
8 you, sir, I am not here to be adversarial with you.	8 Q. Who is present?
9 That's not my goal. I have questions for you, but my	9 A. Hector, last name Saenz.
10 ultimate responsibility when it comes to interaction	10 MR. FRIGERIO: Hector Saenz in my office.
11 between you and I is to be both professional and polite.	11 BY MS. HOUSE:
12 Okay?	12 Q. And who is Hector Saenz?
13 A. Yes, ma'am.	13 MR. FRIGERIO: He's an attorney with my
14 Q. All right. If I'm not, I am hoping -- you see	14 office. He's on the pleadings, Counsel.
15 all these lawyers here in the room. I'm hoping they call	15 BY MS. HOUSE:
16 me out on it. Okay?	16 Q. Okay. Has anyone else -- is there anyone else
17 Have you ever had your deposition taken	17 besides Mr. Saenz?
18 before?	18 A. Negative, no.
19 A. Negative, no.	19 Q. Has anyone asked you to have any messenger
20 Q. Okay. And so I just want to -- and I'm sure your	20 software open during your deposition?
21 attorney has gone over -- through the rules with you. I	21 A. No.
22 just want to insure that you understand them because my	22 Q. Now, I know at the beginning of this you were
23 goal is not to make you feel uncomfortable or like you're	23 looking down. Do you have your cell phone on you right
24 violating any deposition rules. Okay?	24 now, sir?
25 A. Yes, ma'am.	25 A. Yes, ma'am. I was turning the volume off to make
Page 11	Page 13
1 Q. Now, you understand that the parties have agreed	1 sure --
2 that we're having to take your deposition remotely. You	2 Q. Okay. Could you just refrain from using that
3 understand?	3 while we are actively in this proceeding? It's okay, you
4 A. Yes, ma'am.	4 know, for -- if your attorney and the rules allow during
5 Q. And I want to confirm that we're doing this	5 breaks and lunch, but during this proceeding if you could
6 because of COVID-19, and in order to maintain social	6 leave that on silent and not in use.
7 distancing, we're taking your deposition using Zoom	7 A. Yeah, for sure, ma'am.
8 software. You understand that?	8 Q. And is the chat box open either on your cell
9 A. Yes, ma'am.	9 phone or on the computer?
10 Q. Okay. And you're aware that the parties have	10 A. No, ma'am.
11 agreed to take your deposition remotely via Zoom; is that	11 Q. Okay. Did you review anything prior to this
12 correct, sir?	12 deposition?
13 A. Yes, ma'am.	13 A. What do you mean, like my report and stuff?
14 Q. What kind of device are you using in order to	14 Q. Yeah.
15 take this deposition?	15 A. Yes.
16 A. I've got a Macbook.	16 Q. Did you review your report?
17 Q. Does the Macbook belong to you, sir?	17 A. Yes, ma'am.
18 A. It's my wife's, but yes.	18 Q. What else did you review?
19 Q. Is your e-mail open?	19 A. We had an internal affairs investigation. We
20 A. No. So this is going to sound dumb, but I don't	20 went over all the -- but this was, you know, years ago now
21 have my own e-mail. I use the city e-mail or I have my	21 but -- is that what you mean?
22 wife check my e-mails for me because --	22 Q. Yes, sir.
23 Q. No problem. Simple with technology, right?	23 A. Okay. Yeah. So yeah, we -- I went over
24 A. Right.	24 virtually all of the material, the evidence, everything.
25 Q. Understood. Do you have any messenger apps open?	25 But like I said, it's maybe a year -- over a year ago now.

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<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. Did you review body camera footage?    2 A. Yes, ma'am.    3 Q. And whose body camera footage did you review?    4 A. All of ours.    5 Q. When did you review that?    6 A. Several years ago.    7 Q. Is there anything else you reviewed prior to this    8 deposition?    9 A. No.    10 Q. Okay. Outside of your personal lawyer, who did    11 you talk to about this deposition?    12 A. This particular deposition?    13 Q. Yes, sir.    14 A. No one.    15 Q. Well, it must have been your wife because she let    16 you use her --    17 A. Oh, yeah. You mean like official people or --    18 yeah, I spoke to the wife.    19 Q. Anyone?    20 A. Yeah. No, just told the wife I have a deposition    21 coming up, so things like that. I'm sure I told a friend,    22 you know.    23 Q. Okay. You said a friend. Would this friend be    24 an officer?    25 A. Yeah. Yes, ma'am, I mean --</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. And you do understand that you're under    2 oath and that your testimony can be used at the formal    3 hearing of this case?    4 A. Yes, ma'am.    5 Q. And even though this proceeding is informal, it    6 has the same significant force and effect as testimony    7 before a judge and jury and you are to submit to the same    8 penalties of perjury as if you were sitting before a judge    9 and jury in a courtroom. Do you understand this?    10 A. Yes, ma'am.    11 Q. Given that this is an informal setting today, if    12 you need to take a break at any time, just let me know.    13 I'll get to a stopping point and then we'll take a little    14 recess. I have some like 15-minute breaks set in at like    15 11:30, I believe. Do you think you can last that long?    16 A. Sure.    17 Q. Okay. But let me know if the tea tells you    18 otherwise --    19 A. Yes, ma'am.    20 Q. -- and I'll give you a break.    21 I'm going to ask you questions about your    22 background and about facts relating to this lawsuit. The    23 court reporter is here to record the questions and your    24 answer. And after this deposition, the court reporter    25 will prepare a booklet containing the printed questions</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. No, that's fine.    2 A. Yeah, I guess, I'm saying, you know, in normal    3 conversation with friends or -- I don't know if I told any    4 official people or anyone official that, that I had a    5 deposition besides my attorney.    6 Q. Okay. But what officers did you have    7 conversations with about your deposition? Would Officer    8 Osoria have been one of them?    9 A. No. She works in a different -- she works in a    10 different service area now. I haven't spoken to her in a    11 while, a long time.    12 Q. Do you -- what officers would you have spoken to?    13 A. Guys I've rode with. I think last night we were    14 drinking coffee and I left a little bit early last night,    15 and, hey, why are you leaving early? I've got this    16 deposition in the morning, things like that, but it wasn't    17 like we went into detail or anything.    18 Q. Okay. I just want to know, but thank you. Thank    19 you for letting me know.    20 You drinking coffee now, sir?    21 A. No, actually hot tea.    22 Q. Okay. Did you have a meeting about the    23 deposition today with any other person outside of your    24 lawyers?    25 A. No, ma'am.</p>	<p style="text-align: right;">Page 17</p> <p>1 and answers. Do you understand?    2 A. Yes, ma'am.    3 Q. She may offer this electronically, I'm not sure    4 but I'll let her give you that option.    5 If you don't understand a question for any    6 reason, or you feel a question is unclear, then I want you    7 to please stop me and ask the question. Do you    8 understand?    9 A. Yes, ma'am.    10 MR. FRIGERIO: This might be a good time in    11 the proceedings for me to state that I would like the    12 deposition sent to my office for his signature.    13 THE REPORTER: Okay.    14 MS. HOUSE: And you have Charles' info --    15 we'll get that later.    16 THE REPORTER: Yes, ma'am.    17 BY MS. HOUSE:    18 Q. But if you don't understand, ask me to stop and    19 explain and I will.    20 A. Yes, ma'am.    21 Q. Also, Officer Tuli, because the court reporter    22 can only type what someone says, I'm going to ask that you    23 answer by speaking. Okay?    24 A. Yes, ma'am.    25 Q. If you nod your head yes or shake your head no,</p>

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<p style="text-align: right;">Page 18</p> <p>1 the court reporter won't be able to type that into the 2 record. Okay? You understand?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And if you answer the question, I'll 5 assume that you heard and understood it and you've given 6 me your best recollection. Okay?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. If you realize that an answer that you gave 9 earlier was incorrect or incomplete, please say so. Say 10 that you want to correct or supplement your earlier answer 11 and you'll be allowed to do so. Okay?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. If you don't know or don't remember the 14 information necessary to answer a question, please say so.</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Please do not speak at the same time I am 17 speaking and I'm going to do my best, Officer Tuli, not to 18 speak when you're speaking because the court reporter will 19 have difficulty recording both of us at the same time.</p> <p>20 Okay?</p> <p>21 A. Yes, ma'am. I understand.</p> <p>22 Q. Have you taken any medications within the last 23 24 hours?</p> <p>24 A. No, ma'am.</p> <p>25 Q. Do you feel -- let's see. When I say -- I just</p>	<p style="text-align: right;">Page 20</p> <p>1 don't take that long. I know that's a lot for your first 2 deposition, but I will do my best to get us through, okay?</p> <p>3 A. I'll do my best also, ma'am.</p> <p>4 Q. Thank you so much. Well, Mr. Tuli, let me ask 5 you, can you just tell me a little bit about yourself?</p> <p>6 A. Like what do you want to know?</p> <p>7 Q. Sure. So let's start off with you have a family?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. So --</p> <p>10 A. A wife and four kids.</p> <p>11 Q. Okay. So wife and four kids?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. What is your -- your wife's name is Melissa Tuli; 14 is that correct?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And how long have you been married?</p> <p>17 A. We just had our 15-year anniversary.</p> <p>18 Q. Wow. Congratulations on that.</p> <p>19 A. Thank you.</p> <p>20 Q. And tell me about the ages of your kids. Well, 21 actually, tell me about your kids. Let's start with the 22 littlest one first.</p> <p>23 A. Okay, yeah, she's a two-year-old daughter. She's 24 a meth baby that we adopted from someone here in 25 San Antonio and she's been with us since she was two days</p>
<p style="text-align: right;">Page 19</p> <p>1 want to let you know I'm going to explain some verbiage, 2 and if ever you hear some verbiage or language that you 3 are unclear about, let me know.</p> <p>4 When I say "incident" or "injury," will you 5 please assume to me that I mean the alleged incident or 6 injuries of May 20th, 2017, unless I specify otherwise?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. If I say "SAPD" or "employer" will you please 9 assume with me that I'm referring to San Antonio Police 10 Department unless I specify otherwise?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And I say your employer, correct, SAPD. And if I 13 say "minor child" or "14-year-old girl," will you assume 14 with me that I am referring to the minor child, and if I 15 say "A.N.E.R." that I'm referring to the minor child 16 that's represented by April Johnson in this suit, right?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And that you were involved with on May 20th, 19 2017, unless I specify otherwise. Okay?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Officer Tuli, are you ready to proceed with your 22 deposition?</p> <p>23 A. Sure. Yes, ma'am.</p> <p>24 Q. Okay. Let's get you started. I will say I've 25 allotted -- we're allotted seven hours. I'm hoping we</p>	<p style="text-align: right;">Page 21</p> <p>1 old.</p> <p>2 Q. All right. So this baby came through CPS care?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. Congratulations on creating your new 5 forever family.</p> <p>6 A. Thank you.</p> <p>7 Q. Did you change her name?</p> <p>8 A. Yes. We changed her name, yes.</p> <p>9 Q. What's her new name?</p> <p>10 A. Do I have to tell you guys or is this private 11 stuff?</p> <p>12 Q. Well, your family dynamic is allowable, sir.</p> <p>13 A. Yeah. Her name is Leilani. We named her after 14 my sister.</p> <p>15 THE REPORTER: I'm sorry, could you say that 16 again?</p> <p>17 THE WITNESS: Leilani. That's 18 L-e-i-l-a-n-i.</p> <p>19 BY MS. HOUSE:</p> <p>20 Q. Leilani? That's a very pretty name. Let me ask 21 you, what's your heritage?</p> <p>22 A. I'm Samoan.</p> <p>23 Q. Okay. And Leilani you said is two. And then who 24 is next in line?</p> <p>25 A. My -- I have a six-year-old Tyson. He's actually</p>

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<p>Page 22</p> <p>1 Leilani's older blood brother and he was a heroin baby, 2 and we got him when he was two weeks old. 3 Q. Were you -- is anyone in your family related to 4 the biological parents? 5 A. Not at all, no. What happened is we got Tyson 6 when he was a baby, and his biological mom, birthed 7 Leilani and she was a drug baby. So CPS called me out of 8 the blue and said, hey, would you like a newborn baby? 9 And the next day we had a baby. 10 Q. Awesome. Congratulations. Okay. You know, it's 11 always pretty special to keep biological children 12 together; so you were able to offer that opportunity for 13 them? 14 A. Uh-huh. 15 Q. Awesome. Okay. Then who is next? 16 A. Then I have my 10-year-old son Gunner. 17 Q. Okay. 18 A. And my -- 19 Q. Is he your biological child? 20 A. Yes, ma'am. My two old -- eldest, I guess that's 21 how you'd say it, they are my bio kids. 22 Q. Got it. And then who is your oldest? 23 A. Jordan. She's 15. 24 Q. Jordan is 15. What month is Jordan's birthday? 25 A. November.</p>	<p>Page 24</p> <p>1 on Facebook? 2 A. Sure. 3 Q. Well, it says Melissa Tuli? 4 A. Yes, ma'am. 5 Q. And this is your wife's Facebook, correct? 6 A. Yes, ma'am. 7 Q. Okay. And has this been modified in any way? 8 A. Not that I can think of, no. 9 MS. HOUSE: So I'm going to submit what has 10 been marked as Trial Exhibit No. 70 into evidence. One 11 moment, please. 12 (Plaintiffs' Trial Exhibit No. 70 marked.) 13 BY MS. HOUSE: 14 Q. Okay. I'm going to show you the next picture. 15 What do you recognize this next picture to be? 16 A. That's either my graduation photo or the day 17 before graduation. 18 Q. Okay. You said it was the day before or the day 19 of? 20 A. Either/or. We have -- when you graduate from the 21 academy, you have what's called family day. 22 Q. Okay. 23 A. I believe that's the day before graduation. 24 That's when you get your badge, the ceremony and all of 25 that.</p>
<p>Page 23</p> <p>1 Q. Okay. She's a November baby. 2 I am going to pull up some pictures and I 3 want to make sure that we are -- I just want to get to 4 know you. 5 So this is Melissa, right? 6 A. Yes, ma'am. 7 Q. And do you remember when this -- it says June 6, 8 2006. Do you recognize this? 9 A. Yeah. That's my graduation photo. 10 Q. Okay. And pictured are you and Melissa; is that 11 correct? 12 A. Yes, ma'am. 13 Q. And is this a fair and accurate representation of 14 you and Melissa in this graduation photo? 15 A. Excuse me, you asked what? Is it a what? 16 Q. Sure. Is it a fair and accurate representation 17 of the picture you took at your graduation? 18 A. Yeah, it's us. 19 Q. Okay. Yeah, sure. No, I'm just asking, sir. 20 Let me tell you something about the law because I know 21 this is your first deposition. We do a lot of formalities 22 that maybe don't make sense in the outside legal world, 23 but we have to do it for law. So thank you for your 24 patience, okay? 25 Okay. And this is a picture that was posted</p>	<p>Page 25</p> <p>1 Q. Okay. 2 A. So it's one of those days. 3 Q. And who is pictured with you in this photo? 4 A. It's my daughter and my son. 5 Q. Okay. And who took this photo? 6 A. I have no idea. 7 Q. Okay. But you've seen this photo before, 8 correct? 9 A. I guess, yes, ma'am. Sure. 10 Q. Okay. And this is a fair and accurate 11 representation of the photo that was taken on that day? 12 A. Sure. Yes, ma'am. 13 Q. And when you say daughter and son, I want to 14 clarify, that would be Jordan and Gunner? 15 A. Yes, ma'am. 16 Q. Okay. Has this picture to your knowledge been 17 modified in any way? 18 A. No, ma'am. 19 MS. HOUSE: I'd like to admit what has been 20 marked as Plaintiffs' Exhibit 70-A into evidence. 21 (Plaintiffs' Trial Exhibit 70A marked.) 22 MR. FRIGERIO: This isn't the proper form 23 and we don't have a judge here to admit or deny since this 24 is a deposition. It's not the trial starting yet, just so 25 the record is clear.</p>

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1	MR. URBIS: And also for the record we're	1	A. Yes, ma'am.
2	not agreeing to the admission of any -- it's a trial. You	2	Q. Okay. So it's you, Gunner and your wife?
3	can label them how you wish, but don't take that as any	3	A. And my daughter.
4	agreement on the City's part.	4	Q. And your daughter.
5	MS. RODRIGUEZ: Same. I agree. I just want	5	MS. HOUSE: I'm going to label this as
6	to understand where it comes Plaintiffs' Trial Exhibit 70	6	Plaintiffs' Trial Exhibit 70C.
7	and not just deposition exhibits. And where are the other	7	(Plaintiffs' Trial Exhibit 70C marked.)
8	exhibits that are even leading up to number 70. So I	8	BY MS. HOUSE:
9	believe that I agree that these should be just considered	9	Q. Okay. And is this picture celebrating your
10	deposition exhibits and used in that regard.	10	Samoan culture?
11	MS. HOUSE: Thank you, Clarissa. Well, as	11	A. No. It's just --
12	you're aware we can have the freedom to label exhibits how	12	Q. Okay.
13	we will. My deposition exhibits are labeled trial	13	A. It's just a picture.
14	exhibits for the purpose of trial. And we will be using	14	Q. Okay. What are you dressed in?
15	other exhibits. It just so happens that this is the order	15	A. Well, my wife -- it's what's called a puletasi
16	that this one came up and this is how we're submitting it.	16	and I have on a ié faitaga, but we're going to a family
17	BY MS. HOUSE:	17	reunion. We're not celebrating any kind of Samoan
18	Q. Okay. We're going to move on to the next	18	culture. That's just how we dress when we go out, we go
19	picture, Gary, because I'm still -- I'm sorry about all	19	to church, when you go to family reunions, whatever. It's
20	the interruption. I'm still trying to get to know you.	20	just an outfit.
21	You will see here this is a screenshot of	21	Q. Okay. So this is regular attire for you?
22	your wife's Facebook page. Do you recognize it?	22	A. Well, you know, when you're dressing up. This is
23	A. Do I recognize the Facebook page?	23	like church clothes.
24	Q. Yes, sir.	24	Q. Okay. But you recognize this picture?
25	A. Yes, ma'am.	25	A. Yes, ma'am.
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1	Q. Okay. And in the background you will see that	1	MS. HOUSE: I'm going to label that as
2	there is a picture of -- is this you and your family?	2	Plaintiffs' Trial Exhibit 70D.
3	A. Yes, ma'am.	3	(Plaintiffs' Trial Exhibit 70D marked.)
4	Q. Okay. And in the -- can you explain what you see	4	BY MS. HOUSE:
5	in the profile picture?	5	Q. And Mr. Tuli, tell me what's going on in this
6	A. My wife and my daughter.	6	photo.
7	Q. Jordan?	7	A. Me and my kids are posing. I don't know.
8	A. Yes, ma'am.	8	Q. Okay. But you're at the rodeo, looks like,
9	Q. Is this a fair and accurate representation of	9	because I recognize those lights in the background. Is
10	your wife's Facebook page, sir?	10	that the rodeo?
11	A. Yes, I think so.	11	A. It could be. It could be some other carnival. I
12	MS. HOUSE: I'm going to label that as	12	don't know, to be honest. It could be the rodeo. I don't
13	Plaintiffs' Trial Exhibit 70B.	13	know.
14	(Plaintiffs' Trial Exhibit 70B marked.)	14	Q. Is that little -- so who is the young man in your
15	BY MS. HOUSE:	15	hands?
16	Q. Looks like here's another picture, Mr. Tuli. Do	16	A. That's Tyson.
17	you recognize this post, Facebook post?	17	Q. Okay. So then who is next to you?
18	A. I mean, I recognize the picture. I don't know if	18	A. Gunner and Jordan.
19	I recognize the post itself. I don't -- but, yeah.	19	Q. Okay. Tyson, Gunner, and Jordan. So you had
20	Q. Okay. What do you recognize this picture to be?	20	Tyson by this time?
21	A. I think we went to a monster jam that day.	21	A. Yes, ma'am.
22	Q. What is -- is that big trucks?	22	Q. Actually, Melissa wrote it. She said rodeo.
23	A. Yes, ma'am.	23	A. Oh, okay. There you go.
24	Q. Awesome. And then Gunner, does he have on	24	MS. HOUSE: I'm going to mark it as
25	headphones?	25	Plaintiffs' Trial Exhibit 70E.

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1	(Plaintiffs' Trial Exhibit 70E marked.)	1 Q. Okay. I'm going to show you the next picture.
2	BY MS. HOUSE:	2 MS. HOUSE: I'm sorry. That's Plaintiffs'
3	Q. And here you are again, it looks like though,	3 Trial Exhibit 70I.
4	that Tyson is a little younger than the picture in the	4 (Plaintiffs' Trial Exhibit 70I marked.)
5	rodeo, right?	5 BY MS. HOUSE:
6	A. I don't know. Scroll back up. I don't know. He	6 Q. Here's another picture of -- I guess this is you
7	looks the same age. I don't know. I couldn't tell you,	7 and Jordan?
8	to be honest.	8 A. Yes, ma'am.
9	Q. Okay. So this is the same --	9 MS. HOUSE: Okay. I'm going to mark that as
10	A. He got a haircut.	10 Plaintiffs' Trial Exhibit 70J.
11	Q. Oh, that's what it is?	11 (Plaintiffs' Trial Exhibit 70J marked.)
12	A. Maybe, who knows.	12 BY MS. HOUSE:
13	Q. Okay. But you recognize this photo?	13 Q. And then here's you and Tyson, right?
14	A. Yes.	14 A. Yes, ma'am.
15	Q. Looks like you all are at dinner, a restaurant	15 MS. HOUSE: Okay. And I'm going to mark
16	maybe?	16 that as Plaintiffs' Trial Exhibit 70I -- K, I mean.
17	A. Yeah. I don't know which restaurant but --	17 (Plaintiffs' Trial Exhibit 70K marked.)
18	Q. Okay. That's not a problem. You don't have to	18 BY MS. HOUSE:
19	know.	19 Q. And here is you and Melissa. This looks like The
20	MS. HOUSE: I'm going to label this as	20 Pearl. I think I recognize that background. Do you
21	Plaintiffs' Trial Exhibit F, 70F.	21 recognize, sir?
22	(Plaintiffs' Trial Exhibit 70F marked.)	22 A. Yeah, I think that is The Pearl.
23	BY MS. HOUSE:	23 Q. Okay. You have a pretty active family, huh?
24	Q. These are more dinner photos. Do you see that,	24 A. Sometimes, sometimes no. It just depends.
25	sir?	25 Q. It depends on dad's work schedule, right?
	Page 31	Page 33
1	A. Yes, ma'am.	1 A. Sometimes, yes, ma'am.
2	Q. Okay. This is you and your wife and the kids	2 (Plaintiffs' Trial Exhibit 70L marked.)
3	out. It looks like hibachi. Was it hibachi?	3 BY MS. HOUSE:
4	A. Probably. I have no idea.	4 Q. Okay. Gary, tell me -- you were telling me about
5	Q. Yeah, you don't remember a lot. You keep saying	5 your life, like it feels like I know quite a bit about
6	I have no idea.	6 your family and you are a father of four, and you've
7	A. I mean, clearly we're at dinner but I don't know	7 adopted two children and you have two bio children.
8	which restaurant it is.	8 Where are you from?
9	Q. Okay. Is this a family reunion that you were	9 A. I'm from L.A.
10	referring to earlier?	10 Q. Okay. California?
11	A. Yes.	11 A. Uh-huh.
12	Q. Okay. Well, you have a large family. This is	12 Q. How did you get to San Antonio?
13	your family or your wife's?	13 A. I always knew I was going to be a police officer.
14	A. My family.	14 California, they were not hiring. There was like a hiring
15	MS. HOUSE: Okay. I'd like to mark this as	15 freeze and then they started hiring, but Texas -- we've
16	Plaintiffs' Trial Exhibit 70H.	16 had a better economy here the entire time; so I looked at
17	(Plaintiffs' Trial Exhibit 70G and 70H	17 different police departments here in Texas, everywhere
18	marked.)	18 from Dallas to Austin and I ended up here in San Antonio.
19	BY MS. HOUSE:	19 Q. Now, did you apply for any departments in
20	Q. Okay. Now, this is your oldest, right? Jordan?	20 California?
21	A. Yes, ma'am.	21 A. A long time ago I applied for LAPD.
22	Q. Okay. And is this a fair and accurate	22 Q. Okay. Was that a rigorous process?
23	representation of you and Jordan? Y'all took a picture on	23 A. From what I remember, it was exactly the same as
24	that day, whatever day?	24 here.
25	A. Yeah.	25 Q. Okay. And then what happened with that process?

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<p>1 A. I got two speeding tickets in the matter of like 2 a week or two, something like that, if I remember 3 correctly, and I got disqualified for like a year or 4 something. So I went to the military instead.</p> <p>5 Q. Got it. Well, when you were disqualified, you 6 didn't reapply?</p> <p>7 A. Well, I was planning on it, but the economy hit 8 real bad. And so --</p> <p>9 Q. Oh, yeah, especially California, right?</p> <p>10 A. Yeah. I was planning on it, but it just didn't 11 happen. California -- the police departments that were 12 hiring because, you know, I was in the military so I had a 13 lot of friends who were in the reserves who were also 14 police officers, like cities like Oakland or San Francisco 15 when they were hiring, they just weren't -- they were 16 either laying off the guys who were on probation or they 17 weren't hiring at all. So it just felt safer to come to 18 Texas, that's all.</p> <p>19 Q. Okay. So when you got the speeding tickets, were 20 you in the application process? Like what stage of the 21 process were you?</p> <p>22 A. So if I remember correctly, you know, it's called 23 the hiring process, I don't know, but I took a written 24 test and I passed that. I took an oral interview and I 25 passed that. And then I think I had to -- I was coming up</p>	<p>1 Q. Tell me about them.</p> <p>2 A. I worked at Walmart. I worked at the grocery 3 store. I worked at -- I worked for Pitney Bowes. I 4 worked for a pest control company. Man, what else did I 5 do? Yeah, all kind of stuff.</p> <p>6 Q. Is it fair to say that you have consistently 7 worked all of your adult life; is that fair to say?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. And where did you -- so since you were -- 10 you went to high school in L.A.?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Where did you go to high school?</p> <p>13 A. I graduated high school in Whittier, California 14 which is right off -- it's in L.A. County but I graduated 15 from Whittier High School.</p> <p>16 Q. And then so you didn't immediately go to college 17 after graduating?</p> <p>18 A. I took a few classes but, you know, I didn't go 19 to like a four-year school or anything like that, you 20 know, just community --</p> <p>21 Q. Okay. Where?</p> <p>22 A. Cerritos Community College.</p> <p>23 Q. Can you spell that?</p> <p>24 A. Cerritos, C-e-r-r-i-t-o-s. Cerritos.</p> <p>25 Q. Okay. And what were you studying?</p>
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<p>1 on a PT test or something, but like I said, I got two 2 speeding tickets in the matter of like a week or two.</p> <p>3 Q. Was that was by LAPD?</p> <p>4 A. You know, to be honest, I don't even remember.</p> <p>5 Q. Okay.</p> <p>6 A. I had to -- I had to -- when I submitted my 7 package here, it was, you know, because you have to 8 mention every time you had a traffic ticket and it was 9 like really hard because I was calling California Highway 10 Patrol, the DMV, hey, I don't remember exactly who gave me 11 the tickets, and it was a pain in the butt, but I don't 12 remember who -- I don't know if it was LAPD or the highway 13 patrol or, you know.</p> <p>14 Q. So you said you were disqualified for LAPD. Did 15 you do any type of law enforcement activities, anything in 16 California?</p> <p>17 A. No. No.</p> <p>18 Q. Okay. So what did you -- how old were you when 19 you applied for that position, if you remember?</p> <p>20 A. Twenty-one.</p> <p>21 Q. Okay. So if you were that young, you must 22 have -- you had another job. What job were you doing at 23 that moment?</p> <p>24 A. Oh, I had -- man, before I went to the military, 25 I had a lot of jobs.</p>	<p>1 A. Just -- I was just going to school because --</p> <p>2 Q. Okay. Just to say you went to school?</p> <p>3 A. Yes, ma'am, that's what we do.</p> <p>4 Q. Okay. But you took some community college 5 courses and you were like, this California thing ain't 6 working. Texas was calling my name, right?</p> <p>7 A. Well, way later. I went to the -- I went off to 8 the military. I did six years in the military, but I was 9 stationed in California the entire time, went on a couple 10 of deployments but --</p> <p>11 Q. Okay. So you were in the Air Force, right?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. How old were you when you enrolled?</p> <p>14 A. I was 22 years old.</p> <p>15 Q. Twenty-two. So when did you enlist?</p> <p>16 A. When I was 22.</p> <p>17 Q. Do you know the date, the year?</p> <p>18 A. Yeah. The day I went to basic training was 19 January 8th, 2007.</p> <p>20 Q. Okay. And why did you pick the Air Force?</p> <p>21 A. So again, at the time I didn't realize that all 22 the branches were different. I actually went to the Navy 23 office and he was on the phone, and the Air Force 24 recruiter came out and asked me what I was doing and so 25 three or four months later I was off to basic training in</p>

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<p>1 the Air Force.</p> <p>2 Q. Okay. So that was just a fluke, an opportunity</p> <p>3 just arose and you went -- why not the Army?</p> <p>4 A. Again, so a buddy of mine -- the reason I even</p> <p>5 thought about the Navy was a buddy of mine that I was</p> <p>6 doing pest control with, he was in -- he was a prior</p> <p>7 Marine and he said, hey, you should go to the Navy</p> <p>8 because, you know, the Navy is way better than the Marine</p> <p>9 Corps. And I was like, oh, I'm already married. I don't</p> <p>10 know if I can go into the military. Well, I could go into</p> <p>11 the military and I did, but like I said, I kind of thought</p> <p>12 all the branches were the same. The Air Force guy just</p> <p>13 happened to come out. I thought they were all on the same</p> <p>14 team, to be honest. I didn't realize that he was stealing</p> <p>15 me from the Navy until --</p> <p>16 Q. Okay. Can you walk me through your military</p> <p>17 career? So you talked about that you, on January 8, 2007,</p> <p>18 you said you started basic training?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Okay. Can you just walk me through your military</p> <p>21 career as far as job assignments?</p> <p>22 A. Yeah. I was -- let me see, so obviously I came</p> <p>23 to basic training here in San Antonio, here in Lackland.</p> <p>24 And then from there I went to tech school up in Wichita</p> <p>25 Falls. I think I was up there for about six months. And</p>	<p>Page 40</p> <p>1 A. But yeah, like I said, I don't want to bore you</p> <p>2 guys.</p> <p>3 Q. No problem. And so you said you got of the</p> <p>4 military. What year was that?</p> <p>5 A. I got out -- I got off of active duty in January</p> <p>6 of 2013.</p> <p>7 Q. Okay. So if you got out of active duty -- are</p> <p>8 you still -- are you in the reserves?</p> <p>9 A. Not anymore, no, ma'am.</p> <p>10 Q. You said not anymore. When did you -- when were</p> <p>11 you in the reserves?</p> <p>12 A. So when you get off -- when I got off active</p> <p>13 duty, I went directly into the reserves from -- I'm sorry.</p> <p>14 I got the dates wrong. I went to basic training on</p> <p>15 January 9th. I got out of active duty on January 8th in</p> <p>16 2013. So I got the dates backwards, but nonetheless, so</p> <p>17 -- and from there I was automatically in the reserves, and</p> <p>18 I stayed in the reserves until July of 2015.</p> <p>19 Q. Okay. And when you got out, were you -- how were</p> <p>20 you discharged? Was it administrative or punitive?</p> <p>21 A. Oh, no, it was an honorable discharge.</p> <p>22 Q. Okay. Honorable discharge. Okay. I think we</p> <p>23 have -- I'm going to show you -- is this you?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. Tell me about this picture because when I saw it,</p>
<p>1 then from there I went out to Travis Air Force Base in</p> <p>2 northern California. I was there for a couple of years.</p> <p>3 And then I got deployed to the United Arab Emirates for</p> <p>4 almost four months. And then from there I went back to</p> <p>5 Travis Air Force Base.</p> <p>6 And I changed from a flight line gig to</p> <p>7 what's called a CRW or contingency response wing. So I</p> <p>8 went to a new unit where we did bare base openings. So</p> <p>9 from there I deployed to Romania. And then I deployed to</p> <p>10 Jordan with countless other TDYs here in the United</p> <p>11 States, yeah.</p> <p>12 Q. Okay. That's a lot --</p> <p>13 A. And then I came here. Once I got off of active</p> <p>14 duty, I came here to Lackland. I was in the reserves at</p> <p>15 the 433rd for two-and-a-half more years before I got</p> <p>16 completely out of the military.</p> <p>17 Q. Okay. And so what were your job duties</p> <p>18 specifically?</p> <p>19 A. So it was -- I got kind of lucky. I don't want</p> <p>20 to bore you guys, but I got kind of lucky. I started off</p> <p>21 as a generator mechanic. I was working on generators, air</p> <p>22 conditioning, jet engines. I was working all that but</p> <p>23 then I got lucky when I went over to CRW where it was more</p> <p>24 like a civil engineering kind of gig.</p> <p>25 Q. Okay.</p>	<p>Page 39</p> <p>1 I laughed.</p> <p>2 A. I was taking selfies. I don't know.</p> <p>3 Q. And is this in -- so do you remember what stage,</p> <p>4 what year you were?</p> <p>5 A. No, to be honest, no. Again, it's a selfie. I</p> <p>6 couldn't tell you. It looks like I'm in my house though.</p> <p>7 It doesn't look like I'm anywhere so --</p> <p>8 MS. HOUSE: And that was Plaintiffs Trial</p> <p>9 Exhibit 71.</p> <p>10 (Plaintiffs' Trial Exhibit 71 marked.)</p> <p>11 BY MS. HOUSE:</p> <p>12 Q. Tell me what's going on in this picture.</p> <p>13 A. This is at my brother's wedding, and that is my</p> <p>14 cousin and my baby brother.</p> <p>15 Q. Oh, okay. You have a very tight family, sir?</p> <p>16 A. Yes, ma'am.</p> <p>17 MS. HOUSE: Okay. I labeled that as</p> <p>18 Plaintiffs' Trial Exhibit 71A.</p> <p>19 (Plaintiffs' Trial Exhibit 71A marked.)</p> <p>20 BY MS. HOUSE:</p> <p>21 Q. You're in your more formal gear there, right?</p> <p>22 A. Yes, ma'am, we were in a -- I went to a wedding.</p> <p>23 Q. Okay. And then I'm going to move on to -- oh,</p> <p>24 tell me about this one.</p> <p>25 A. Actually, I do remember this picture. We -- the</p>

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<p style="text-align: right;">Page 42</p> <p>1 Travis Air Force Base is about an hour outside of 2 Sacramento and that's also where the California Highway 3 Patrol Academy is. And we had a -- I don't know, a field 4 trip to the Highway Patrol Academy. And we went out there 5 and we got to see all their training and look at some cool 6 stuff. This is one of the photos.</p> <p>7 (Plaintiffs' Trial Exhibit 71B marked.)</p> <p>8 BY MS. HOUSE:</p> <p>9 Q. Did you find that inspiring to want to go back to 10 your original goal of law enforcement?</p> <p>11 A. I already knew I was going to be a cop forever, 12 the whole time I was in the military. It was happening 13 so --</p> <p>14 Q. Military was just a detour, huh?</p> <p>15 A. Yes, ma'am. Yes, ma'am. And I'm glad it 16 happened, but yeah, the plan has always been I was going 17 to be a police officer.</p> <p>18 Q. Let me ask you because you said you're glad it 19 happened and I'm glad you said that. What essential 20 skills were you able to pick up from the military that 21 have translated to you being a law enforcement officer?</p> <p>22 A. I'd say the, you know, I didn't do law 23 enforcement in the military, but, you know, the 24 dependability, just the life experience, you know. You 25 meet all kind of different people, which that helps when</p>	<p style="text-align: right;">Page 44</p> <p>1 then so -- a good weight for me is about 215 to 220. 2 Q. Okay. 3 A. That's when I'm in good shape, so -- 4 Q. So what -- does good shape include drinking warm 5 tea? Does that help with your weight? 6 A. No. I just like tea. 7 Q. Oh, okay. So when you say -- okay. I want to be 8 clear because people have their own ideas. 9 A. No, I just like drinking hot tea. It makes me 10 feel good sometimes -- 11 Q. Okay. So when you say "better shape," were you 12 just working out more then? 13 A. Yeah, just to be up front, I was in pretty good 14 shape back then. I was working out. I was lifting. I 15 was, you know, exercising a lot more. I was just in 16 better shape. 17 Q. And so -- and probably because you all are 18 required to take -- are you required to take fitness tests 19 as part of your job? 20 A. No. You're not -- it's not mandatory but it's 21 highly recommended, you know. 22 Q. Okay. And so -- 23 A. I mean, other departments may be different but on 24 San Antonio specifically, it's not mandatory that you take 25 and pass a fitness test every year, but we still take</p>
<p style="text-align: right;">Page 43</p> <p>1 you become a police officer, just the experience as a 2 whole. It's just all kind of benefits, I mean --</p> <p>3 Q. Awesome. Okay. Can I ask you, how tall are you?</p> <p>4 A. Six-two.</p> <p>5 Q. You're pretty tall --</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. -- Officer Tuli, and how much do you weigh?</p> <p>8 A. Right now, I don't want to tell you. No, I'm 9 just -- I'm about 225, 230.</p> <p>10 Q. 225, 230. Now, okay. Why do you say you don't 11 want to tell me? Does that mean you're on the higher side 12 of where you'd like to be?</p> <p>13 A. Yeah, I'm getting kind of fat.</p> <p>14 Q. Okay. Mr. Tuli, let me ask you though, on May 15 20, 2017, you were doing a lot of sweating that day, do 16 you remember?</p> <p>17 A. Yeah, I always sweat.</p> <p>18 Q. You also joked at some point about -- you were 19 like, oh, I'm sweating because I'm fat. Do you remember 20 saying that?</p> <p>21 A. No, but I wouldn't -- I wouldn't -- I wouldn't 22 deny saying that. That's something I probably would say.</p> <p>23 Q. Okay. Were you about 225, 230 then or were you 24 like heavier?</p> <p>25 A. To be honest, I was probably in better shape back</p>	<p style="text-align: right;">Page 45</p> <p>1 fitness tests. You can volunteer to take the fitness test 2 every year and --</p> <p>3 Q. Do you volunteer to take the fitness test every 4 year?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Okay. Do you do that to show up your fellow 7 colleagues?</p> <p>8 A. No. I'm going to be honest with you. The only 9 reason I do that is because the higher you score on the PT 10 test, the more comp time you get off. So that's the only 11 reason. If it wasn't for the comp time, I wouldn't do it.</p> <p>12 Q. Understood. Have you passed every single test 13 you've taken?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. And is it also fair to say that you understood 16 how to pass those tests because you were required to take 17 those type of fitness tests in the military, right?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. But you came in like a pro?</p> <p>20 A. No, no, no. So I'm not a very fast runner. I'm 21 stronger than people, but I'm not very fast though.</p> <p>22 Q. Understood. So let me ask you about the fitness 23 test. Well, do they ask you to run in the fitness test 24 for SAPD?</p> <p>25 A. For SAPD? So again, not to bore anybody but to</p>

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<p style="text-align: right;">Page 46</p> <p>1 get onto the department, you have to do what's called the    2 Cooper -- I don't know, even know if you have to do that    3 anymore, but when I came onto the department, you had to    4 do what's called the Cooper's test. And that consists of    5 doing X amount of push-ups in a minute, X amount of    6 sit-ups in a minute, run a mile and a half in, you know, X    7 amount of time. You have to do a dummy drag. What else?    8 Yeah, I think that was it. So there's -- yeah, but you    9 had to do all of that. I don't know what the requirements    10 are now, but when I came in, you had to do all of that,    11 which is similar to the Air Force PT test.</p> <p>12 Q. Okay. Well, tell me about -- because push-ups,    13 ugh, tell me about -- how many push-ups can you do in a    14 minute?</p> <p>15 A. Right now I can probably knock out about 45 to    16 50.</p> <p>17 Q. Whoa, really?</p> <p>18 A. Yeah. If I was doing Air Force push-ups, I can    19 probably do 70.</p> <p>20 Q. Wait. What are the -- what's the difference    21 between a regular and an Air Force push-up?</p> <p>22 A. Air Force push-ups are weak.</p> <p>23 Q. Okay. But you've got to tell me, like explain --</p> <p>24 A. I'm just messing around, ma'am.</p> <p>25 Q. Okay. I know you're a joker so it's all cool, so</p>	<p style="text-align: right;">Page 48</p> <p>1 bars directly across from my house, you know. I don't    2 need to pay any money. I can work out at home for free.    3 Q. That's fair. That's fair. So you told me about    4 -- a little bit about how you -- the application process    5 for SAPD. What was required in order to apply for SAPD?    6 A. You had -- again, this is just going off memory.    7 I'm not -- I don't know if things changed, but you can't    8 have anything more than class E misdemeanors. You can't    9 have more than X amount of traffic violations. You've got    10 to be a citizen. You've got to have a high school    11 diploma. You can't -- what else. Oh, you got to pass the    12 written test. You got to pass the PT test. You got to    13 pass the psychological test. You got to pass the physical    14 test. Then you got to get clearance from a doctor, yeah.</p> <p>15 Q. Okay.</p> <p>16 A. If I'm missing anything, sorry.</p> <p>17 Q. No, it's not a problem because I know -- I mean,    18 how long have you been with SAPD?</p> <p>19 A. So I started the police academy on, I believe it    20 was, January 28th of 2013, and then I've been a police    21 officer since September of that year, which I believe was    22 September 12th, so ...</p> <p>23 Q. And have you -- so you told me about there's so    24 many tests that you go through. I know that the speeding    25 test stopped you in L.A., the speeding tickets. So I'm</p>
<p style="text-align: right;">Page 47</p> <p>1 am I but you've got to explain the difference. What's the    2 difference between an Air Force push-up and a regular    3 push-up like?</p> <p>4 A. So I mean, a normal push-up you go all the way    5 down and come all the way up. The Air Force push-up you    6 only have to break the 90-degree angle at your elbows; so    7 you don't have to go all the way down, basically.</p> <p>8 Q. So your son's name is Gunner and then your arms    9 -- you must have the gun show going on, right?</p> <p>10 A. No, no, no. I'm -- again, I'm -- I got Dad bod    11 going on.</p> <p>12 Q. Got it. But then you did in 2017, right?</p> <p>13 A. Yes. I was in a lot better shape back then yes,    14 ma'am.</p> <p>15 Q. Where did you work out? Did you work out at home    16 or --</p> <p>17 A. I just do random cross-fit or I have like a    18 little home gym that I use, you know. I don't go to the    19 gym or anything, I just --</p> <p>20 Q. Okay. You said random cross-fit, cross-fit is    21 not random.</p> <p>22 A. But you know what I mean. You can do like random    23 cross-fit exercises or whatever. You don't have to go to    24 a cross-fit gym to do cross-fit kind of things. You know,    25 I got a weight bench. I got -- you know, I got pull-up</p>	<p style="text-align: right;">Page 49</p> <p>1 assuming the speeding tickets didn't stop you in    2 San Antonio?</p> <p>3 A. No, because there's a huge time lapse in when the    4 last time I got the speeding ticket. So the issue with    5 L.A. wasn't that I got the speeding tickets, it was that I    6 got them within the last year or two years, whatever the    7 requirement was back then. By the time I came to    8 San Antonio, I hadn't had a speeding ticket for    9 seven years, give or take.</p> <p>10 Q. Okay. Were you involved in any wars during your    11 military duty?</p> <p>12 A. Like, yeah, in support of Iraqi Freedom, Enduring    13 Freedom.</p> <p>14 Q. Okay. That's huge. And what year was that?</p> <p>15 A. Let me see. I went to UAE in 2009, I believe.</p> <p>16 Q. Okay.</p> <p>17 A. Then I went to Jordan in 2012.</p> <p>18 Q. Okay.</p> <p>19 A. Then I went to Romania -- I think it was Romania    20 in 2011 -- or it might have been 2012.</p> <p>21 Q. Let me -- in connection with your military duty,    22 did you have any type of diagnosis such as PTSD?</p> <p>23 A. Oh, no. Oh, were you asking like if I was in    24 combat or anything?</p> <p>25 Q. Yes.</p>

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<p style="text-align: right;">Page 50</p> <p>1 A. Oh, no, no. I never saw any combat or anything 2 like that.</p> <p>3 Q. Got it, okay.</p> <p>4 A. I was --</p> <p>5 Q. No, okay. You know, I'm not in the military so I 6 don't know the lingo --</p> <p>7 A. Oh, No.</p> <p>8 Q. -- so have patience with me. Okay.</p> <p>9 So -- but did you ever receive a diagnosis 10 from your military service?</p> <p>11 A. Yeah. I can't hear anything very often. My 12 hearing is bad.</p> <p>13 Q. Hearing -- when did that happen? Did that happen 14 while you were doing the Iraqi Freedom?</p> <p>15 A. So this is -- again, I don't want to bore 16 anybody, but I thought you could not be a police officer 17 if you had any kind of service-related disabilities. So I 18 never went to the hospital and I never filed any claims 19 with the VA. Once I became a police officer and I realized 20 that was entirely untrue, then I filed a claim with the 21 VA, and a few years later they gave me a small disability 22 for hearing.</p> <p>23 Q. Okay. And so -- what is your -- are you 24 100 percent?</p> <p>25 A. No, no, I'm like 10 percent. It's like the</p>	<p style="text-align: right;">Page 52</p> <p>1 have like this really high pitch ringing my ear, so I have 2 to always have like other noise going on. Like I have to 3 sleep with the fan on or else it's -- it's like a ringing.</p> <p>4 I don't know how else to describe it. It's like -- you 5 ever watch a movie and a bomb blows up and then it gets 6 quiet and you hear that little (makes noise) -- sorry,</p> <p>7 Ms. Thompson.</p> <p>8 But yeah, that's what I'll hear if it's 9 quiet. So I normally have to have some kind of white 10 noise or something going on or else it will start really 11 bothering me. Also, it seems like when I'm talking to 12 people, sometimes I'm like, what did you say? What? Can 13 you speak up a little bit, you know, so ...</p> <p>14 Q. Got it. Were you -- did you -- are you required 15 to let SAPD know or it's like it doesn't affect you to the 16 point where you had to tell them?</p> <p>17 A. I don't know, to be honest.</p> <p>18 Q. Okay.</p> <p>19 A. I don't know.</p> <p>20 Q. But no one has ever asked you about it, right?</p> <p>21 A. No.</p> <p>22 Q. Okay. And so you didn't voluntarily just say, 23 hey, let me tell you about this, to be fair, right?</p> <p>24 A. I think when you first get hired they ask you if 25 you have any service-related disabilities and, you know,</p>
<p style="text-align: right;">Page 51</p> <p>1 lowest of the low.</p> <p>2 Q. And so what exactly is your service-connected 3 disability? What's it called formally?</p> <p>4 A. Tinnitus, I think. Tinnitus, I have a constant 5 ringing in the ears and I can't hear that often.</p> <p>6 Q. Okay. And do you remember what year you were -- 7 that occurred?</p> <p>8 A. I was already out of the Air Force, but --</p> <p>9 Q. Had you already started with SAPD, like did it 10 happen --</p> <p>11 A. Well, that was the thing. I didn't know you 12 can -- I didn't know you can make a claim with the VA. So 13 I made my claim with the VA after I had already been out 14 of the military.</p> <p>15 Q. Got it.</p> <p>16 A. So I want to say 2017, 2018, give or take.</p> <p>17 Q. 2017, 2018 but you said 2017. Would it have been 18 before this incident or after?</p> <p>19 A. To be honest, I don't know.</p> <p>20 Q. You don't know? It's okay. That's fair. Like, 21 I mean, a lot of time has passed.</p> <p>22 Okay. So you said you hear ringing and 23 sometimes you can't hear. Is it like a bubble, like if 24 there's water in your ear?</p> <p>25 A. No. It's more like -- like if it's quiet, I will</p>	<p style="text-align: right;">Page 53</p> <p>1 at the time I did not have any service-related 2 disabilities.</p> <p>3 Q. Got it. Okay. So at the time you didn't have 4 it. And then they've never asked for an update so there 5 was no outlet to provide that update; is that fair?</p> <p>6 A. I think so. Yes, ma'am.</p> <p>7 Q. Okay. Thank you. No problem.</p> <p>8 Let me ask you about -- so you passed your 9 test. Talk to me about your training that you have gone 10 through with SAPD.</p> <p>11 A. Yes, ma'am. So you start the academy off and you 12 -- it's a variety of subjects that you get trained on, 13 anywhere from penal code, code of criminal procedure, 14 all -- I mean, you -- it'd probably be easier for you to 15 ask, have you had training on this as opposed to me just 16 listing things because there's so much training. You're 17 in the academy for almost nine months and then you go out 18 and you do ride-alongs for another three-and-a-half months 19 so you're in constant training for over a year.</p> <p>20 Q. Okay. Why don't you, if you could be specific, 21 what -- because I don't know. You know better than I do, 22 tell me what specific trainings do you recall that you've 23 done.</p> <p>24 A. Oh, I mean, again, we've got tactics, methods of 25 arrest; you've got use of force. You've got, like I said,</p>

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<p>1   penal code. You've got cultural diversity. You've got --</p> <p>2   I mean, you've got crisis intervention training. You've</p> <p>3   got training on family violence. You've got training on</p> <p>4   first aid, you know, self aid buddy care. I mean, again,</p> <p>5   there's -- there's so much stuff. There's so much</p> <p>6   training. Driving, the list goes on.</p> <p>7   Q. Okay. Are there any trainings on filling out</p> <p>8   documentation or are there just like handbooks on that?</p> <p>9   A. Oh, you mean like report writing? So yeah,</p> <p>10   you've got training on report writing. You've got</p> <p>11   specific on how to -- how to write our report writing</p> <p>12   system. You've got crash documents. You've got -- again,</p> <p>13   whatever document a police officer can fill out, we train</p> <p>14   on that.</p> <p>15   Q. Okay. All right. I may circle back and ask you</p> <p>16   about some of that stuff.</p> <p>17   What trainings have you -- did you have</p> <p>18   in -- let me ask you, what is your yearly requirement in</p> <p>19   order to -- like, do you have a yearly requirement to</p> <p>20   maintain, like, certification or license?</p> <p>21   A. Yes, ma'am. So the State of Texas you have to</p> <p>22   have X amount of training every year and every other year.</p> <p>23   The San Antonio Police Department, we just make sure all</p> <p>24   that is done every year and we all go to a week of</p> <p>25   in-service training every year.</p>	<p>1   de-escalation.</p> <p>2   Q. Okay. When did you do that?</p> <p>3   A. I want to say it was in 2017.</p> <p>4   Q. Would that have been before or after this</p> <p>5   incident?</p> <p>6   A. After.</p> <p>7   Q. Okay. After. Did you ever go to any remedial</p> <p>8   training before this incident?</p> <p>9   A. No, ma'am.</p> <p>10   Q. Okay. Have you had to go -- since that 2017</p> <p>11   de-escalation, how -- well, tell me about the training.</p> <p>12   How long was it?</p> <p>13   A. So I spent two weeks at the academy.</p> <p>14   Q. Okay. Where is the academy located?</p> <p>15   A. On the south side. I don't know the exact</p> <p>16   address.</p> <p>17   Q. Sure.</p> <p>18   A. It's way south though.</p> <p>19   Q. When you say spent, do you feel like -- is it</p> <p>20   like school, you go there in the morning, leave in the</p> <p>21   evening?</p> <p>22   A. Yeah. It's like an all-day school, so...</p> <p>23   Q. How many people were in your class? Is it just</p> <p>24   you alone or is it like --</p> <p>25   A. For my graduating class or -- is that what you</p>
<p>1   Q. Okay. So it's a week of in-service training?</p> <p>2   A. Yes, ma'am. And that can range from all sort of</p> <p>3   topics that entire week, anywhere from -- you name it,</p> <p>4   sexual harassment, firearms qualification, driving</p> <p>5   qualifications, just everything you get re-qualified on</p> <p>6   virtually everything you can.</p> <p>7   Q. And who does this training?</p> <p>8   A. The academy staff.</p> <p>9   Q. The academy staff. And outside of just -- and</p> <p>10   everyone does this, you said, right? Everyone in the</p> <p>11   State of Texas?</p> <p>12   A. No, no, San Antonio. We take our training above</p> <p>13   and beyond the state. So I think the State of Texas is</p> <p>14   you have to get recertified every two years on most</p> <p>15   things, and then depending on which department you work</p> <p>16   for, you may not even go to in-service. You have to go</p> <p>17   get that training on your own, whether you go to ACOG or</p> <p>18   something or you do online training or whatever. But</p> <p>19   San Antonio, we take everything we need and we make sure</p> <p>20   officers are trained.</p> <p>21   Q. Okay. All right. Above and beyond that</p> <p>22   in-service and the training that SAPD requires you to do,</p> <p>23   have you had to do any type of, like, extra training, like</p> <p>24   remedial training?</p> <p>25   A. So I went back to the academy to go over some</p>	<p>1   mean?</p> <p>2   Q. De-escalation school.</p> <p>3   A. Oh, it was -- so with that -- so with the</p> <p>4   de-escalation, there was -- I actually went down there</p> <p>5   more and helped out with training more than anything, but</p> <p>6   with the de-escalation, so what they do is during</p> <p>7   in-service they put on a class, a de-escalation class. So</p> <p>8   that is whatever the in-service students are there, that's</p> <p>9   when I got the training, but I was there for two weeks.</p> <p>10   So I got that two times. For the other two weeks or for</p> <p>11   the rest of the two weeks I was out there, I helped out</p> <p>12   with, you know, the cadets or whatever they needed me to</p> <p>13   do.</p> <p>14   Q. Okay. So you helped -- what did you -- okay. So</p> <p>15   you said you did the two weeks two times?</p> <p>16   A. No, no, no, let me clarify, okay?</p> <p>17   Q. Okay.</p> <p>18   A. So they sent me to the academy. The goal was to</p> <p>19   make sure I got the de-escalation training. That was the</p> <p>20   remedial part. But while I was there, I also -- the</p> <p>21   de-escalation was only like a four-hour block and I did</p> <p>22   that twice. I did it the first week and I did it the</p> <p>23   second week. So that was just, again, a four-hour block</p> <p>24   that I just did with the rest of the in-service.</p> <p>25   But as far as the rest of the two weeks</p>

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<p>1 while I was there, I helped out with training here and  2 there; you help out training the cadets, you help out  3 whatever they do at the academy, just kind of, you know,  4 go around teaching and helping out.</p> <p>5 Q. Okay. And so what did you learn at  6 de-escalation, like what did they go over?</p> <p>7 A. Use-of-force continuum. What else do they do at  8 de-escalation. They do use-of-force continuum, you know,  9 make sure, you know, you don't -- you know not to get too  10 excited or not to take things further than they need to  11 go, you know. I don't know. It's a four-hour block. I  12 don't know if I can recall every single thing. They go  13 over methods of arrest, TASER use, joint manipulation,  14 verbal, you know, just stuff.</p> <p>15 Q. You said joint manipulation. What is joint  16 manipulation? What is that?</p> <p>17 A. Like if -- like jiu jitsu kind of stuff.</p> <p>18 Q. Like they teach it to you?</p> <p>19 A. Yeah, so we don't hurt -- so we don't hurt a  20 suspect in an arrest. You know, they try to go over, you  21 know, instead of, you know, hitting -- for example,  22 instead of hitting a suspect with your baton 50 times, if  23 I can get him into custody by manipulating his wrist, then  24 no one is hurt and it's fine, something like that.</p> <p>25 Q. Got it. Did you find it useful?</p>	Page 58	<p>1 do. We go to the academy. If there's something you can  2 help out with, whether it's PT or scenario training or --  3 I mean, I wasn't teaching -- I wasn't given full-blown,  4 you know, total criminal procedure lessons but, you know,  5 if they need a body here or, you know, you need help  6 cleaning guns, you know, just helping.</p> <p>7 Q. Got it. Okay. Let me ask, so what is your  8 official title right now with SAPD because I don't think I  9 know.</p> <p>10 A. Patrolman. Is that what you mean?</p> <p>11 Q. Yes, sir.</p> <p>12 A. Patrolman.</p> <p>13 Q. And what is your job assignment?</p> <p>14 A. I work on the east patrol.</p> <p>15 Q. Are you on a flex schedule?</p> <p>16 A. No. I work -- it's called T shift or Tango  17 shift. I work from 5:00 in the afternoon until 3:00 in  18 the morning. And then I get, you know, three days off a  19 week.</p> <p>20 Q. Okay. You use those days to spend with your  21 children, your family?</p> <p>22 A. Uh-huh. Yes, ma'am.</p> <p>23 Q. During COVID, are they at home doing virtual  24 learning?</p> <p>25 A. So my kids finally went back to school. My wife</p>	Page 60
<p>1 A. Yeah.</p> <p>2 Q. Okay. What did you find most useful?</p> <p>3 A. I don't know. That's kind of a weird question.</p> <p>4 I don't know. It's training -- training is good for you.</p> <p>5 Training is good for all of us. It doesn't hurt to get  6 trained on something, you know. Like it.</p> <p>7 Q. Okay. But what did you find most useful about  8 the use-of-force training? Like, what stuck out to you  9 the most, as it related to that May incident? What stuck  10 out to you the most?</p> <p>11 A. I don't know. It wasn't the first time I've been  12 trained on use of force. It's just a refresher, you know.</p> <p>13 Q. But it was a little bit different, right, to be  14 fair, because it was remedial training, right?</p> <p>15 A. Yeah, but it had nothing to do with the May  16 incident.</p> <p>17 Q. Oh. So what did it have to do with?</p> <p>18 A. I got into -- I arrested a guy either the day  19 before or a couple of days before where I had to use  20 force. The department felt that I probably should have  21 de-escalated a little more before I used force and we did.</p> <p>22 Q. Okay. That's fair. Thank you.</p> <p>23 I think you said they got you to do -- start  24 doing training you said, right?</p> <p>25 A. Yeah, I mean, you help out. This is what we all</p>	Page 59	<p>1 is still working from home though.</p> <p>2 Q. Okay. So in 2017 were you a patrolman then?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And what area were you assigned to patrol, if you  5 were assigned one?</p> <p>6 A. East patrol.</p> <p>7 Q. Okay. So that was still the same -- have you --  8 let me ask you, how long have you been assigned to east  9 patrol?</p> <p>10 A. Since 2014.</p> <p>11 Q. Okay. So since 2014 to present, you've been at  12 east patrol?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. And can you explain to me what areas east patrol  15 covers?</p> <p>16 A. East patrol covers all the way from the northeast  17 side all the way to the southeast side. So, I mean, all  18 the way out past 1604, there's three different -- there's  19 three different sections in the east patrol service area,  20 which it would be the northeast side, the east side, and  21 then the DB side, I guess that would be so...</p> <p>22 Q. So on a regular night, that's a large spread. On  23 a regular night you are patrolling all of that area?</p> <p>24 A. So I'm -- remember I said there's three different  25 sections in the east patrol area.</p>	Page 61

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<p>1 Q. Yes, sir.</p> <p>2 A. I'm assigned or my patrol -- so my service area 3 is the northeast side.</p> <p>4 Q. Got it.</p> <p>5 A. So my particular district would be -- I don't 6 know if you know the area, but from like North Foster all 7 the way to like mid-crown area, that would be my district, 8 but I also help out in the district right next door, which 9 would be -- again, they're all numbers but, you know, that 10 whole northeast side. Pretty much the side that I work on 11 is -- let me see, so it would go from the 10 and 1604 all 12 the way up to, like, Walzem and 410 --</p> <p>13 Q. Okay.</p> <p>14 A. -- all the way up Harry Woods, all that area.</p> <p>15 Q. Okay. So the night -- May 20th, when you 16 responded to that quinceañera, was that in your district?</p> <p>17 A. That was in my neighboring district, but it was 18 in my service area.</p> <p>19 Q. Got it, neighboring district service area. But 20 you're allowed to respond to that, right?</p> <p>21 A. Yes. It's not only allowed, you're kind of 22 expected.</p> <p>23 Q. Sure. At that time in 2017, May 20th, can you 24 explain your chain of command for me?</p> <p>25 A. Let me see. That night -- who was working. So</p>	<p>1 A. No.</p> <p>2 Q. Don't let him hear you say that, right?</p> <p>3 Okay. So Sergeant Hensley was in charge of 4 you that night, right?</p> <p>5 A. Yes. He was my first-line supervisor, yes, 6 ma'am.</p> <p>7 Q. First-line supervisor. Okay. I like how you say 8 that. And then there's a lieutenant over him, right?</p> <p>9 A. Yes. And I don't remember if at the time because 10 since then, Sergeant Berrigan has promoted and so I don't 11 remember if at the time he was still Sergeant Berrigan or 12 if he was Lieutenant Berrigan yet. I can't remember, to 13 be honest.</p> <p>14 Q. So maybe Berrigan?</p> <p>15 A. Yeah, but he could have been -- he could have 16 been lieutenant or sergeant back then. I don't remember.</p> <p>17 Q. Got it. And then there's the night captain, 18 right?</p> <p>19 A. Right, which I don't even know who the night 20 captain was that night.</p> <p>21 Q. No problem. And then there's --</p> <p>22 A. I don't even know who the night captain was last 23 night, so ...</p> <p>24 Q. Understood. Understood. I wanted to know when 25 you arrived May 20th -- and we're going to break in a</p>
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<p>1 you have a night captain that works -- I think he works, 2 you know, depending on who it is, but they may work 3 downtown or they may work at the north sub station, but 4 you have a night captain who is pretty much in charge of 5 everything.</p> <p>6 Q. Okay.</p> <p>7 A. And then that rolls down to -- to -- each shift 8 has a lieutenant.</p> <p>9 Q. Okay.</p> <p>10 A. And each -- underneath each lieutenant is two or 11 three sergeants, and then underneath the sergeants are all 12 patrolmen.</p> <p>13 Q. Got it. So who is your sergeant?</p> <p>14 A. My sergeant back then or right now?</p> <p>15 Q. Then.</p> <p>16 A. I believe it was Reed.</p> <p>17 Q. Okay. And who were the other two sergeants, do 18 you recall?</p> <p>19 A. No. Let me see. So I know -- I don't know if 20 Sergeant Berrigan -- I don't know if he was a lieutenant 21 back then or if he was still Sergeant Berrigan, but 22 Berrigan was out there.</p> <p>23 Q. Who is Sergeant Hensley?</p> <p>24 A. Reed. Sorry. Sorry, Reed Hensley.</p> <p>25 Q. Oh, okay. Oh, y'all are on first-name basis?</p>	<p>1 little bit -- who was the highest-ranked officer present 2 when you arrived?</p> <p>3 A. So the way the ranking system works, all of us 4 patrolman are all the same rank. Now you have 5 probationary patrolman who are on probation, but it's not 6 like the military where you have, you know, you have -- an 7 E-4 can tell an E-3 to, you know, pound sand or whatever. 8 It's not like that. We're all the same rank. So all of 9 the officers that were there, we're all patrolman.</p> <p>10 Q. Okay. So when you arrived, everyone that's there 11 is pretty much ranked the same and you each had similar 12 job duties, correct?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Was there a sergeant called to the scene when you 15 first arrived?</p> <p>16 A. When I first arrived, not that I recall, no.</p> <p>17 Q. Whose job would it have been, like anyone could 18 have called the sergeant?</p> <p>19 A. Well, you only call a sergeant if you need a 20 sergeant.</p> <p>21 Q. Got it.</p> <p>22 A. So when we first got there, it wasn't -- it 23 didn't start off to be one of those calls where it's like, 24 hey, get a supervisor up here right away, you know. It 25 wasn't like that.</p>

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<p>1 Q. Let me ask you then, what facts trigger having -- 2 needing a sergeant present?</p> <p>3 A. Well, any time you do -- well, it can be all kind 4 of things, but that night in particular, because there was 5 a use-of-force, you have to have a sergeant that comes 6 out for general manual -- and so we did, you know, we 7 requested a sergeant.</p> <p>8 But by -- I think by the time we actually 9 did use-of-force, sergeants may have already been on the 10 way, you know, because there was a lot of keying up over 11 the radio; there's a, you know, large crowd, you know, 12 contingently getting violent, you know, so they may have 13 already been on the way but ...</p> <p>14 Q. I want to make sure that I didn't miss anything 15 that you told me. You told me you had been eastside 16 patrol 2014 to 2020, right?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. What did you do before eastside patrol?</p> <p>19 A. I was on my rides. So I worked -- you do your 20 patrol rides when you first graduate from the academy. 21 You do your patrol rides for three-and-a-half months; so I 22 started off on east daylight and then I went over to west 23 night shift or dogwatch, and then I worked central. And 24 then I got off my rides in the downtown area and I worked 25 downtown a few more weeks before I got transferred to the</p>	<p>1 made 69.</p> <p>2 Q. 69. What was it in 2017?</p> <p>3 A. I don't remember, to be honest, but it's been 4 around that, around that.</p> <p>5 Q. Around that, okay. And I'm going to -- because 6 we have a couple of minutes. Actually, the break I had 7 was at 11:30. Are you still good?</p> <p>8 A. I'm tough.</p> <p>9 Q. Okay. So we'll probably have like 15 more 10 minutes and then we'll take a break, give you a little 11 bathroom break and then we'll come back. If you want to 12 go through and Charles doesn't object, I'm here too with 13 you so --</p> <p>14 A. I'm here for you. I promise if I need to pee or 15 something, I'll say it, okay.</p> <p>16 Q. Okay. Thanks. All right. So May 20th, 2017, 17 and I got the day right; is that correct?</p> <p>18 A. Yes, I believe so.</p> <p>19 Q. And you know this day very well; is that fair to 20 say?</p> <p>21 A. Yes, I guess.</p> <p>22 Q. Well, a lot happened that day, right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Can you just from the beginning -- and 25 when I say from the beginning, whether you woke up that</p>
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<p>1 eastside.</p> <p>2 Q. Okay. Have you received any type of promotions?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 A. I wasn't eligible for a promotion until, I don't 6 know, this is my seventh year -- so yeah, this will be -- 7 I tested twice and so that was -- before then I wasn't 8 eligible to promote.</p> <p>9 Q. Okay. What do you mean -- what does tested twice 10 mean? Because I don't understand that language.</p> <p>11 A. So we all start off as a patrolman. To become a 12 detective, you have to be on for five years. You have to 13 be a patrolman for five years and then you're eligible to 14 take a written test. If you score high enough on the 15 written test and they're promoting the right amount of 16 people, then you can be promoted to detective. So I 17 haven't been promoted to detective yet.</p> <p>18 Q. Okay. Have you tried to take the written test?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Okay. So you're going to keep trying to escalate 21 up? That's your goal?</p> <p>22 A. Yeah, eventually.</p> <p>23 Q. Okay. And how much do you -- are you getting 24 paid right now? Like, what's your salary?</p> <p>25 A. Well, I think this -- I think in 2019, I think I</p>	<p>1 night or whether you were, you know, on patrol in the 2 neighboring district, can you just walk me through that 3 night? So let's start at like 12:00 a.m.</p> <p>4 A. So we'll start at 5:00, okay, because normally 5 that's when I start my shift then, 5:00 in the afternoon.</p> <p>6 Q. You're talking about 5:00 p.m. May 19th?</p> <p>7 A. When did -- the incident happened after midnight?</p> <p>8 MR. FRIGERIO: After midnight on the 21st so 9 you went on duty on the 20th.</p> <p>10 THE WITNESS: Yeah, I went on duty on the 11 20th, so that day. So May 20th at 5:00 p.m. starts off 12 like any patrol shift, answered a few calls. Strangely, I 13 do remember arresting a guy before that, but arrested a 14 guy.</p> <p>15 BY MS. HOUSE:</p> <p>16 Q. What did he get arrested for?</p> <p>17 A. If I remember right, it was family violence and 18 aggravated assault.</p> <p>19 Q. Okay. And he was on the scene when you 20 responded.</p> <p>21 A. No, no, no, this is earlier. This is way 22 earlier.</p> <p>23 Q. But he was on the scene of the domestic violence 24 of his incident?</p> <p>25 A. Oh, yeah, yes, ma'am.</p>

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<p>1     Q. And how was his behavior at that time?</p> <p>2     A. So he had a knife. He had a prior history of</p> <p>3     assaulting police officers. His -- I want to say his --</p> <p>4     his boyfriend or his husband was standing outside yelling</p> <p>5     and screaming, and when I pulled up he had a knife. I</p> <p>6     told him to put his knife down and put his hands behind</p> <p>7     his back and he did that and then he went to jail.</p> <p>8     Q. What time did that happen?</p> <p>9     A. I remember it was daylight. I don't remember</p> <p>10    exactly what time but it was still daytime. The sun</p> <p>11    hadn't gone down yet.</p> <p>12    Q. Sure. And then what happened?</p> <p>13    A. Yeah, the night progresses, you get dispatched</p> <p>14    out to the quinceañera over on Walzem and then everything</p> <p>15    happened.</p> <p>16    Q. Walk me through from the time you were dispatched</p> <p>17    until the time you leave. Just walk me through what</p> <p>18    happened.</p> <p>19    A. Okay. If memory serves me correctly, okay, again</p> <p>20    this was dang near, you know, four years ago now almost,</p> <p>21    you know, or three-and-a-half years, but -- so there's --</p> <p>22    we get dispatched to a large fight. I was right in the</p> <p>23    area and at the venue where they have -- where they had</p> <p>24    the quinceañera that night, there's normally no one there.</p> <p>25    The -- directly across the street there is a bar though.</p>	Page 70	<p>1     she's the one who threw the quinceañera but her name is</p> <p>2     Ms. Ybarra, and what she told us was that this guy was --</p> <p>3     the guy who was assaulted, he was in her Army unit, and he</p> <p>4     was too drunk and he was flirting with the girls. So she</p> <p>5     told her ex-husband --</p> <p>6     Q. When you say "the girls," would this have been</p> <p>7     the young girls at the quinceañera or --</p> <p>8     A. I don't know. She --</p> <p>9     Q. Okay.</p> <p>10    A. You know, the girls. I don't know if it was the</p> <p>11    younger girls or the older women, I don't know. She just</p> <p>12    said he was -- and I don't even know if she used the word</p> <p>13    "flirting" or what, but he was making advances on women</p> <p>14    and it was -- it was uncomfortable enough for her to go</p> <p>15    tell her ex-husband who was also at the party, hey, can</p> <p>16    you take care of this guy.</p> <p>17    And if I remember correctly, I don't think</p> <p>18    she meant, like, take care of him, beat him up. I think</p> <p>19    she meant like get him a ride home, but the ex-husband and</p> <p>20    his friends, apparently they were the ones who decided</p> <p>21    instead of getting this guy a ride home or make him leave</p> <p>22    or whatever, they beat him up really bad and then they</p> <p>23    left.</p> <p>24    So we got an ambulance out to help this guy</p> <p>25    out. We were going to take a report, you know, an</p>	Page 72
<p>1     So when they dispatched us to the large fight, initially I</p> <p>2     went to the bar thinking that's where the fight was.</p> <p>3     Well, when we got there, everyone at the bar was like, no,</p> <p>4     it's not us. I don't know what you're talking about it;</p> <p>5     so it was odd.</p> <p>6         And then I just happened to see a crowd</p> <p>7     walking out from across the street, and I go oh, maybe</p> <p>8     that's who they're talking about. So we go there. And I</p> <p>9     don't remember exactly who was with me when -- I do</p> <p>10    remember I was the first on scene, but I don't remember</p> <p>11    who was with me.</p> <p>12    Q. When you say someone -- someone was riding with</p> <p>13    you or were they in their own vehicle?</p> <p>14    A. No, we're following each other around. We call</p> <p>15    them running partners, running buddies, but yeah, every</p> <p>16    officer had their own vehicle unless they're on their</p> <p>17    rides or they're doing some kind of special task.</p> <p>18    Q. Okay.</p> <p>19    A. When we get there, there's a large crowd forming</p> <p>20    outside. They're all exiting the -- I guess it's called a</p> <p>21    venue, but they're all exiting the venue. And there is a</p> <p>22    guy who is laying on the ground and he's all beat up.</p> <p>23    He's swelled shut. He's unconscious. Somebody beat him</p> <p>24    up pretty bad.</p> <p>25         Spoke to the woman who -- I'm pretty sure</p>	Page 71	<p>1     assault, bodily injury report and list her ex-husband as</p> <p>2     the suspect and have this guy file at-large or something</p> <p>3     or file on him a later date.</p> <p>4         So then from there --</p> <p>5     Q. Now, do you remember at this time -- you said you</p> <p>6     don't remember what officers were with you?</p> <p>7     A. I know eventually -- eventually there's Groce,</p> <p>8     there's Osoria, there's Cavazos, there's Sarah Carrasco,</p> <p>9     Willie Hooten was out there; Tiffany Stewart was out there</p> <p>10    eventually, but I'm saying when I first got there I don't</p> <p>11    remember the -- you know, because it takes us a while to</p> <p>12    get there sometimes. So I don't remember if it was</p> <p>13    Jessica next to me or if it was -- I'm sorry, Officer</p> <p>14    Osoria, or if it was Cavazos. I don't know exactly who is</p> <p>15    there but eventually everyone started showing up.</p> <p>16    Q. Okay. And then what happened?</p> <p>17    A. Oh, okay. I thought you were going to ask</p> <p>18    something.</p> <p>19    Q. No. Sorry. Go ahead.</p> <p>20    A. I'm new to the Zoom thing so --</p> <p>21    Q. It's all good. I mean, hey, I'm taking your cue,</p> <p>22    when I hear silence, you don't have to apologize. I'll</p> <p>23    just ask questions. Okay?</p> <p>24    A. And so from there, you know, everything --</p> <p>25    there's some little kids, like little kids, you know, 5,</p>	Page 73

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<p>1 6, 7 years old, I don't know, but we were kind of playing  2 with them, kind of high-fiving. Everything is kind of  3 chill, you know.</p> <p>4 This group of girls shows up and  5 Ms. Johnson, she clearly wants to fight these girls,  6 right? And I don't know what -- well, at the time I  7 didn't know why they all wanted to fight each other, but  8 Ms. Johnson was, like, you know, causing a huge  9 disturbance wanting to fight these girls. I'm telling  10 these girls to leave. I told them, these girls, hey, back  11 off.</p> <p>12 I remember there was an old woman there.</p> <p>13 Q. Okay.</p> <p>14 A. And she -- "Hey, Officer, please, we're trying to  15 get our family in the car or we're trying to leave," okay,  16 hey, take care then, you know, because this is getting out  17 of hand and Ms. Johnson is trying to fight these girls.  18 So we back off.</p> <p>19 I go talk to Ms. Johnson, "Hey, Ms. Johnson,  20 you need to calm down." And again, I was just -- I don't  21 want to say building a rapport but me and Ms. Johnson were  22 just friendly with each other. I was playing with her  23 kids.</p> <p>24 MR. FRIGERIO: Officer, for the purpose of  25 the record, could you mention April Johnson as the mother</p>	<p>1 out, if you know?</p> <p>2 A. Are you talking about with the new group of girls  3 that showed up?</p> <p>4 Q. Well, from where you -- what you were talking  5 about because you stated Ms. Johnson -- there was a huge  6 disturbance and you said Ms. Johnson and these girls are  7 fighting or trying to fight, like, do you know what caused  8 that or no?</p> <p>9 A. At the time I didn't. From what I understand,  10 again, this is months later when, you know, you looked at  11 the internal affairs report, and you looked at all that,  12 from what I understand --</p> <p>13 Q. Well, you don't have to tell me what you learned  14 after the fact, just what you knew at that time.</p> <p>15 A. At that time, no, I had no idea why they were  16 fighting. I didn't know why they were upset. I just know  17 that there was a group of girls and Ms. April Johnson and  18 they wanted to fight each other.</p> <p>19 Q. Okay. You can continue.</p> <p>20 A. So from there we kind of break that up.</p> <p>21 Ms. Johnson is upset, Ms. April Johnson, she's upset.  22 She's, you know, again, I don't -- to be honest, I don't  23 know exactly what she was upset about but she was upset at  24 this group. She wasn't upset at me in particular. Like I  25 said, me and her, we were just being friendly with each</p>
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<p>1 and then her child as Miss Johnson so we --</p> <p>2 THE WITNESS: Yeah.</p> <p>3 MS. HOUSE: Well, for the record, her child</p> <p>4 is A.N.E.R.</p> <p>5 BY MS. HOUSE:</p> <p>6 Q. But it was this April Johnson that you're talking  7 about to be clear, right?</p> <p>8 A. Yeah, April Johnson.</p> <p>9 Q. But Mr. Tuli, let me ask you, when you responded  10 do you remember April -- seeing April Johnson on the floor  11 with the actual person that had been assaulted?</p> <p>12 A. There was a lot of people kind of giving first  13 aid to that guy.</p> <p>14 Q. Okay.</p> <p>15 A. It could have been her, I don't -- I don't  16 particularly remember if it was her giving first aid or  17 not.</p> <p>18 Q. Okay.</p> <p>19 A. But there was definitely someone there. I do  20 remember there was someone giving first aid and kind of  21 you know, fanning him down or holding his head or, you  22 know, whatever.</p> <p>23 Q. Do you remember what happened in the middle  24 because you're talking about -- so there were people  25 giving first aid. Do you remember how the fighting broke</p>	<p>1 other, you know.</p> <p>2 But from there, the group of girls that she  3 wanted to fight somehow kind of shifted from being  4 directly in front of us to being over off to the side of  5 us at this point. And again, I, you know, "Hey,  6 Ms. Johnson, you need to calm down. You have little kids  7 here." I didn't know that she had -- she had A.N.E.R. I  8 didn't know that that was her daughter at that moment and  9 that she had another teenage boy there, but I knew she had  10 the little kids. Hey, you need to calm down, you got  11 these little kids and she keeps, you know, charging,  12 trying to fight this group of girls.</p> <p>13 And so she kind of charges past and I kind  14 of grab her, like hey, knock it off and she doesn't  15 listen. So I wrap my arms around her and I carried her  16 away from this group of girls that she wanted to fight.</p> <p>17 When I did that though, all the crowd got  18 angry. I mean, hey -- you start hearing things like, hey,  19 you can't touch her, can't do that, and all I was keeping  20 her from a fight. You start hearing the crowd -- you  21 start hearing all kind of random, you know, stop, police  22 brutality, whatever, all kind of just crazy nonsense, and  23 all I was doing was breaking -- was keeping her from  24 attacking a group of people.</p> <p>25 I take her over to the side of my car to get</p>

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<p>1 away from the crowd and the crowd was still hollering, and  2 you hear all kind of cuss words, you know, I mean, it was  3 clear that when I grabbed her they got angry. And I take  4 her over to the other side of my car.</p> <p>5 When I grabbed her my body -- so our body  6 cameras are stuck to us with a magnet, all right? And so,  7 you know, you bump it the right way, it falls off. So  8 when I grabbed her, I guess that bumped it the right way;  9 it fell off.</p> <p>10 But when I take her on the side of my car,  11 she's, you know, yelling, "I want my kids, I want my  12 kids." And at this point, what I learned later was her  13 13-year-old son, he comes up and he rips his shirt off and  14 he, you know, he wants to fight me, he's "Don't touch my  15 mom."</p> <p>16 Q. You said you learned later he wants to fight you?</p> <p>17 A. No, no. I learned later that he was her son.</p> <p>18 Q. Oh. Got it.</p> <p>19 A. I thought he was just --</p> <p>20 Q. You saw this 13-year-old kid saying --</p> <p>21 A. I thought it was just some dude that wanted to  22 fight me. So -- and I'm telling him, like, hey, back up,  23 you know, who are you, or whatever, get out of here. And  24 so she starts yelling, "Hey, that's my son. Please don't  25 hurt him. Where's my kids?" "Hey, ma'am, calm down." So</p>	Page 78	Page 80
<p>1 she starts to calm down. Everything is getting calm  2 again. Again, I don't know --</p> <p>3 Q. You give her a command and she does calm down,  4 you're saying?</p> <p>5 A. Yeah, initially, yeah. Yes, ma'am.</p> <p>6 Q. Okay.</p> <p>7 A. And then she starts to calm down, "Where's my  8 kids." One of the other officers brings over the two  9 little kids that we were just playing with, brings over  10 those kids and she's kind of chilling out. Now, the crowd  11 is still -- is still yelling and kind of going nuts  12 because they're upset. And again, we're on the other side  13 of my vehicle. And so, most of the crowd can't really see  14 what's going on on the other side of my vehicle, but you  15 can still hear the crowd is getting more agitated.</p> <p>16 They're yelling. They're screaming. I don't know if  17 they're yelling at each other or if they're yelling at  18 police officers or -- but, like I said, Ms. Johnson, her  19 two younger kids were now with her and she was calm and  20 not doing anything for the time being.</p> <p>21 And suddenly, there's a large fight that  22 breaks out on the other side of the vehicle. It's a, you  23 know, a huge rumble, I guess. But there's a large fight  24 where multiple people were involved, bunch of parents are  25 breaking up the fight. Police officers are breaking up</p>	Page 79	Page 81
<p>1 putting her hands behind her back. She's still fighting  2 and pulling away and struggling, and at this point she's  3 under arrest.</p> <p>4 We -- after, you know, a minute or so, we  5 finally get her hands placed behind her back, and we get  6 her in handcuffs. It took three officers to do that. And  7 while we're doing that, the entire crowd is now going  8 crazy. I mean, I'm telling the other officers, "Hey,  9 watch my back; make sure these guys don't hurt me, you  10 know, make sure these guys don't attack us," you know, so  11 other officers are kind of --</p> <p>12 THE REPORTER: Can I get you to slow down  13 just a little bit? Slow down.</p> <p>14 THE WITNESS: I'm sorry.</p> <p>15 THE REPORTER: Thank you.</p> <p>16 THE WITNESS: And then from there, once we  17 get her in handcuffs, I guess her breasts became exposed.  18 And then immediately, hey -- and I'm telling the female  19 officer on scene who is right there, "Hey, adjust her top,  20 fix her top, fix her shirt," and she, "Don't touch me, get  21 off of me, leave me alone."</p> <p>22 There's a huge crowd around us. So we walk  23 her away from the crowd and we take her over to the side  24 of my patrol car to get away from the crowd and, you know,  25 she's not letting the female officer fix her top. You</p>		

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<p>1 know, she's moving and yanking and so we kind of walk her  2 over away from the crowd, you know, boys, women, guys,  3 again -- she's exposed, you know.  4 We get onto the other side of the vehicle,  5 "Hey, stop moving." I told her multiple times, "Stop  6 moving so she can fix your top." She's still not  7 complying, you know. She's not letting Officer Osoria fix  8 her top. So the next best thing that we can do to keep  9 her from being exposed was put her in the back of the car  10 where the windows are tinted and no one can see her.  11 We did that. Oh, Ms. -- while we're over on  12 the side of the car, Ms. Ybarra comes up, and Ms.  13 Ybarra's, you know, interfering with the public duties and  14 we're telling Ms. Ybarra, get back, get back. And to be  15 fair, Ms. Ybarra was kind of calm, but I don't know her,  16 you know what I mean? And she was asking me, let me fix  17 her top. And I don't know this woman. Why -- on what  18 planet would I allow a stranger to grab another woman's  19 top, you know.  20 But with that said, we get her to back off.  21 We put her in the car. A minute or two goes by, and then  22 double-check with Ms. -- Officer Osoria, "Hey, can you see  23 if she's going to let you fix her top?" She goes in. She  24 let's her fix it.  25 And then from there we get an ambulance out </p>	<p>Page 82</p> <p>1 we were on the verge of a riot. We would have never got  2 involved with this if she had just chilled out.  3 Q. Sure. And then after that night, you understand  4 that -- what is your understanding of A.N.E.R.'s felony  5 charge, if you know?  6 A. From what I understand is assault on a police  7 officer is a felony. She got charged. She went to jail.  8 She was released at some point, and at some point the  9 charges were dropped.  10 Q. Okay. And then what happened after that?  11 A. I sat on admin duty for, I don't know, two or  12 three months while they -- while Internal Affairs did an  13 investigation. I went viral, you know, it was all over,  14 you know, national news. Family members called me up,  15 "Hey, is this you?" People start making Memes about me,  16 you know, all kind of nonsense. Internal Affairs did a  17 full-blown investigation, and then I went back to work  18 and got cleared.  19 Q. Okay. You were arrested though, right?  20 A. Yes, ma'am. I was arrested about close to a year  21 and a half later.  22 Q. Okay. And what were you charged with?  23 A. Official oppression.  24 Q. Anything else?  25 A. From what I -- official oppression and falsifying </p>
<p>Page 83</p> <p>1 to check on A.N.E.R., and she had zero injuries. We  2 photographed that she had zero injuries. She told us she  3 didn't have any injuries. She was placed under arrest for  4 assault on a police officer. She was transported downtown  5 where she was booked. And here we are today, so ...  6 BY MS. HOUSE:  7 Q. Okay. Right. And here we are today. Thank you  8 so much, Mr. Tuli, for giving me your account. Is  9 there -- in thinking back on what happened on May 20th, is  10 there anything else, like any blanks you want to fill in  11 or anything else do you think you need to share?  12 A. No.  13 Q. From your point of view?  14 A. No. I mean, there would have never been an  15 arrest if Ms. Johnson and A.N.E.R. and J1, the guy with  16 the shirt off, I don't know his name, but there would have  17 never been an arrest if they had not caused a huge  18 disturbance and got this crowd on the verge of a riot.  19 There would have never been an arrest. I don't -- at this  20 point in my career, I don't particularly enjoy arresting  21 people. I'd rather sit around and drink coffee and eat  22 donuts.  23 But again, that night A.N.E.R. committed a  24 felony in our presence and view and we had to make an  25 arrest. And they were, quite frankly, causing -- I mean, </p>	<p>Page 85</p> <p>1 police report or something like that.  2 Q. Okay. And who was your attorney?  3 A. Therese Huntzinger.  4 Q. Is that a -- it's a female?  5 A. Yes, ma'am.  6 Q. Okay. And did you hire this attorney?  7 A. Yes, ma'am.  8 Q. So this was private -- you privately hired her?  9 A. No. The -- we're all a part of CLEET or we  10 should be a part of CLEET. I'm a part of CLEET. CLEET  11 recommended that I choose her as an attorney, but CLEET  12 actually paid for it because the charges stemmed from  13 something that happened in the line of duty.  14 Q. Okay. And are you a part of the police union?  15 A. Yes, ma'am.  16 Q. Did they assist with your legal fees?  17 A. It's just CLEET.  18 Q. Okay.  19 A. The union doesn't normally pay for legal battles.  20 Q. Okay.  21 A. At least on the individual police officer.  22 Q. Okay. Do they assist in any way with anything  23 related to that incident?  24 A. To be honest, not that I know of, no.  25 Q. Okay. </p>

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<p>1 A. I mean, Mike Helle was very nice to me and we 2 talked about it, but there's nothing they can do. We just 3 got to let the process pan out.</p> <p>4 Q. Right. And I think that's what we're trying to 5 do here now. And I'm just here to get the facts, like I 6 said.</p> <p>7 So as far as Charles, your current attorney, 8 Mr. Frigerio is concerned, who recommended he be your 9 lawyer here?</p> <p>10 A. It's -- it was automatically assigned to me from 11 the City.</p> <p>12 Q. Okay. And is the City covering the bill for 13 that?</p> <p>14 A. I believe so.</p> <p>15 Q. Okay. So there's no -- like, no money out of 16 your SAPD pocket, right?</p> <p>17 A. Oh, no. I lost tons of money.</p> <p>18 Q. How did you lose tons of money?</p> <p>19 A. I couldn't work any overtime. I couldn't work 20 any off-duty gigs. I almost -- remember, I told you I 21 have a two-year-old daughter. At the time CPS was going 22 to remove her from our home. I had to spend close to 23 \$10,000 on an attorney for that. Yeah, I lost tons of 24 money. I did the math -- oh, and then so normally when 25 you foster a child, because she was a drug baby but you</p>	<p>1 that correct?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Do you know Joe Gonzalez?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Okay. Do you know Nico LaHood?</p> <p>6 A. No, ma'am.</p> <p>7 Q. And who was the prosecutor, do you know?</p> <p>8 A. I don't know.</p> <p>9 Q. Had you ever attended a court proceeding on that 10 charge?</p> <p>11 A. Yeah. Every time I went to court, they just -- 12 what is it called when you postpone it to the next month?</p> <p>13 Q. Okay.</p> <p>14 A. Yeah, every time -- I went to court, I would say, 15 once a month, and every time I went, they just pushed it 16 back to the following month.</p> <p>17 Q. Okay. Are you still good or do you need a break 18 because I think this next section may be a little long.</p> <p>19 Do you want to take a break now?</p> <p>20 A. Yeah. If you want to take a break. We can do 21 that.</p> <p>22 MS. HOUSE: Yes. So can we take a 15-minute 23 break here?</p> <p>24 MR. FRIGERIO: Okay.</p> <p>25 MS. RODRIGUEZ: Sure.</p>
<p>1 have to foster her while you give the birth mom a chance 2 to clean up her act, not get off -- or get off drugs, 3 whatever. But normally when you foster a child, the State 4 gives you a stipend. We didn't get any of that. You 5 know, everything that we did came directly out of our 6 pocket. We lost -- I think I did the math one day, and it 7 was easily \$30,000 in just that year of me waiting for the 8 process to play out.</p> <p>9 Q. Okay. And you have no control over how long IA 10 takes to do their investigation; is that fair to say?</p> <p>11 A. Well, they have to be done within six months, but 12 Internal Affairs was done a long time ago. The District 13 Attorney's office that --</p> <p>14 Q. Okay. The District Attorney's office chose to 15 file charges?</p> <p>16 A. From what I understand, yes, ma'am.</p> <p>17 Q. And at that time, it was Nico LaHood that was in 18 office, correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. However, your charges -- well, what was the 21 disposition of your charge?</p> <p>22 A. It was dropped for -- what is it called, 23 insufficient evidence.</p> <p>24 Q. Okay. But that was under -- the D.A. at that 25 time is still the D.A., that would be Joe Gonzalez; is</p>	<p>1 Page 87</p> <p>1 MR. URBIS: Okay.</p> <p>2 THE REPORTER: Off the record at 11:42 a.m. (Recess taken, 11:42 a.m. - 12:00 p.m.)</p> <p>4 THE REPORTER: Back on the record at 5 12:00 p.m.</p> <p>6 BY MS. HOUSE:</p> <p>7 Q. I'm going to share a trial exhibit with what has 8 been marked as Petitioner's Trial Exhibit No. 2. (Petitioner's Trial Exhibit No. 2 marked.)</p> <p>10 BY MS. HOUSE:</p> <p>11 Q. And Officer Tuli, this is your body-worn camera 12 footage. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. You said you hadn't seen this in a couple of 15 years?</p> <p>16 A. Yeah. It's been a while.</p> <p>17 Q. Okay. So I'm just going to play it for you to 18 refresh your memory, and I'm going to stop maybe around 19 13 seconds in.</p> <p>20 A. Okay.</p> <p>21 Q. Let me know if on your end you cannot hear the 22 volume, okay?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. All right. Thank you. (Video played.)</p>

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1        THE WITNESS: Am I supposed to be hearing 2 something right now? 3 BY MS. HOUSE: 4        Q. You do not hear something? 5        A. No, I'm sorry. 6        Q. You couldn't hear any of the body camera footage? 7        A. No. I thought -- normally, there's like a buffer 8 when you turn your body camera on. There's a buffer and I 9 thought it was in that -- in that buffer where there's no 10 sound. It takes like 30 seconds or something. I thought 11 that's what it was, but I didn't hear anything. 12        Q. Okay. So initially there was a buffer and then 13 the sound was on. 14        MS. HOUSE: Did anyone else hear the sound? 15        THE VIDEOGRAPHER: I did not hear. 16        MR. URBIS: I did not hear anything. 17        THE VIDEOGRAPHER: You may need to have -- 18 show the exhibits, turn up the volume on the PC. 19        MS. HOUSE: If I show the exhibit from my 20 screen, are you able to -- can we try that? 21        THE VIDEOGRAPHER: Yeah, we can try that. 22 We'll just have to hear it on your screen and on your 23 computer and then we should be able to pick it up. 24        MS. HOUSE: Okay. Sure. Let me go ahead 25 and try that.	1        BY MS. HOUSE: 2        Q. Okay. Whose -- that's your flashlight, sir? 3        A. Probably. 4        Q. Okay. And you see there's a man on the ground, 5 correct? 6        A. Yes, ma'am. 7        Q. And his head is on the lap of -- that's 8 April Johnson. Do you recall April Johnson, sir? 9        A. Do you mean do I recall her doing that or do I 10 recall what she looks like? 11        Q. Do you recall what she looks like? 12        A. Not particularly, no. 13        Q. Okay. But you recall seeing this scene? 14        A. Yes, ma'am. 15        Q. And now that we're refreshing your memory with 16 this body camera footage, you see this man on 17 April Johnson's lap? 18        A. Okay. 19        Q. Okay. We're going to keep playing. 20        (Video played.) 21 BY MS. HOUSE: 22        Q. Okay. Do you recall who is coming up to you, 23 sir? 24        A. I think that's the -- what's her name, the -- 25        Q. Jenny Ybarra?
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1        THE VIDEOGRAPHER: Okay. 2 BY MS. HOUSE: 3        Q. Officer Tuli, I'm going to try this again. Let 4 me know if you don't hear anything, but you're right. 5 There is a buffer, right? There will be a period in time 6 where you don't hear anything and you just see things, but 7 something -- but sounds should come on -- 8        A. Okay. 9        Q. -- at some point. 10        A. Okay. 11        (Video played.) 12 BY MS. HOUSE: 13        Q. Did you hear any of that, Officer Tuli? 14        A. Negative, ma'am. There's no sound. 15        Q. Let me try it one more time. I think I was 16 muted. 17        (Video played.) 18 BY MS. HOUSE: 19        Q. You hear sound now? 20        A. Yes, ma'am. 21        Q. Okay. Do you see who is on the ground with the 22 alleged victim? 23        A. No, ma'am. I can't tell who that is. 24        Q. I'll keep playing. 25        (Video played.)	1        A. Yeah, Ybarra. Ms. Ybarra. I'm sorry. 2        Q. Okay. How would you describe April Johnson's 3 demeanor at this time? 4        A. Looking at the body camera, she looks like she's 5 trying to be helpful. 6        Q. Okay. And you didn't have any problems with her 7 demeanor at this point, right? 8        A. Not that I recall, no. 9        Q. Okay. We're going to fast-forward a little. 10        (Video played.) 11 BY MS. HOUSE: 12        Q. Who is the officer right here (indicating)? 13        A. That looks like Officer Cavazos. 14        Q. Okay. And is this an officer right next to him 15 to the right? 16        A. It appears to be, but I don't know -- I don't 17 know who that is. 18        Q. Okay. That's fair. 19        (Video played.) 20        THE WITNESS: I can tell now. 21 BY MS. HOUSE: 22        Q. Who is that? 23        A. That's Officer Osoria. 24        Q. Okay. Prior to this date, did you know Officer 25 Osoria?

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1 A. Yeah. Yes, ma'am. 2 Q. How did you know her? 3 A. She's a fellow patrolman. 4 Q. Okay. How long had you known her? 5 A. I think at the time she was kind of a boot, so 6 not very long. 7 Q. Oh, what does boot mean? 8 A. I'm sorry. She was new. 9 Q. Oh, new, okay. 10 A. She was fairly new at the time. I don't know how 11 new she was, but not long. 12 Q. Okay. Not a problem. Here you are explaining to 13 Officer Cavazos your understanding as to what went on 14 because Jenny told you, right? 15 A. Sure. 16 Q. Oh, you don't remember? I'll play it. Let me 17 just go ahead and play it, okay? 18 A. Okay. 19 (Video played.) 20 BY MS. HOUSE: 21 Q. Officer Tuli -- 22 A. Yes, ma'am. 23 Q. -- do you see (Redacted) in this picture? 24 A. Is that her right there? I don't know if that's 25 her or not but --	1 A. Officers or just people in general? 2 Q. Well, let's talk about that. That's a very good 3 question. Thank you for asking that. So how many people, 4 non-officers, would you say were present during that time? 5 A. If I were to guess, at least 50 to 60 people, if 6 I were to guess. 7 Q. And could you describe the demographic of the 8 crowd? 9 A. You mean like their nationality? 10 Q. Sure, and ages. 11 A. Age range from little kids all the way up to 12 elderly people. There was a ton of people there, all, you 13 know, mixed black, white, Hispanic. There was all kind of 14 people there. 15 Q. Okay. And were there mostly kids present? Is 16 there a majority, like, were there mostly kids or mostly 17 adults present? 18 A. I don't know. You mean like little kids? 19 Q. Well, when I say "kids," I'm talking about youth. 20 A. Like people under 18? 21 Q. Sure. 22 A. Sure, yeah. There was probably a lot of people 23 there that were under 18. 24 Q. Okay. And during this time, were you able to 25 assess why those kids were just standing around this	
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1 Q. In the purple dress, sir? 2 A. Yes, if that's her. 3 Q. All right. 4 (Video played.) 5 BY MS. HOUSE: 6 Q. I'm going to stop the video right here. Let me 7 ask you, Mr. Tuli, now that you have refreshed your memory 8 with part of your body camera, is it starting to become a 9 little bit more clear to you as to what happened on that 10 evening starting May 20th up until May 21st of 2017? 11 A. Yes, ma'am, sure. Yes, ma'am. 12 Q. Okay. Now, you all first responded to an 13 incident involving two adult males, correct? Well, adult 14 males rather, right? 15 A. Yes, ma'am. 16 Q. And I believe, was it -- you're the one that 17 called EMS, right? 18 A. Yes. That was me who said, "Hey, start EMS this 19 way." 20 Q. Okay. Now, you were explaining to Officer 21 Cavazos that -- when you explained to him, you said, it 22 wasn't a big deal. What do you mean by that? 23 A. Probably that it wasn't a big deal. 24 Q. Okay. And at that time how many people would you 25 describe were present on the scene?	1 victim? 2 A. Somebody got beat up and other people were 3 watching. That's what crowds do sometimes. I don't 4 understand the question. 5 Q. Sure. No problem. And I'm not trying to trick 6 you. Let me tell you, Mr. Tuli, I'm a straight shooter. 7 I'm not trying to trick you with any of my questions. I'm 8 just -- I wasn't there, right? You were there, so I'm 9 just trying to ascertain as to what was going on. 10 And so you have a man bleeding on the floor, 11 right? Is that correct? 12 A. Yes, ma'am. 13 Q. At any point in time did any of the patrolman 14 say -- try to secure the scene and get all the individuals 15 to leave the scene? 16 A. Oh. So, yeah, now I understand. Okay. So at 17 that point, everyone was -- so a typical crime scene where 18 there's a lot of people, as long as people aren't being 19 violent or causing disturbances, we do what we did there 20 that night. We just kind of called EMS and, you know, 21 there were people helping out. There was obviously people 22 who were, you know, doing what is it called, first aid, 23 you know. 24 The crowd at that point in time, they were 25 just standing there. There was no need to start yelling	

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<p>1 at people or anything. They were just standing there at 2 that moment.</p> <p>3 Q. Okay. So you said there was no need to like 4 secure the scene because it was pretty peaceful?</p> <p>5 A. At that point, yes, ma'am.</p> <p>6 Q. Okay. I am going to continue playing the video 7 so that we can see what happened thereafter, okay?</p> <p>8 A. Yes, ma'am.</p> <p>9 (Video played.)</p> <p>10 BY MS. HOUSE:</p> <p>11 Q. Could you hear that, Mr. Tuli?</p> <p>12 A. I couldn't hear or see anything.</p> <p>13 Q. Oh, okay.</p> <p>14 A. I thought you were getting something ready. I'm 15 sorry.</p> <p>16 Q. No, I'm not. I'm going to share with you -- this 17 is going to be shared from another screen, the trial 18 exhibit screen.</p> <p>19 Sir, do you recognize this?</p> <p>20 A. Yeah. That's from the general manual.</p> <p>21 Q. Okay. And what do you recognize it to be?</p> <p>22 A. Crime scene duties.</p> <p>23 Q. Okay. And you're familiar with this, correct,</p> <p>24 because you are required to review this material?</p> <p>25 A. Yes, ma'am.</p>	<p>Page 98</p> <p>1 secure the scene, but you understand the manual required 2 you to secure the scene because you just described it as a 3 crime scene?</p> <p>4 MR. FRIGERIO: Objection; form of the 5 question. He never said that. You incorrectly described 6 that back. He never said he did not have that duty.</p> <p>7 That's a form -- objection; form.</p> <p>8 THE WITNESS: Yeah. Ma'am, the scene is 9 secure at this point. We use terms like this when we go 10 to any crime scene, EMS is waiting -- the EMS would be 11 standing around waiting to see if it's safe for them to 12 come. You know, if this was a shooting or something, it 13 would have been different because there's actual physical 14 evidence to secure.</p> <p>15 In something like this, all we do is take 16 statements. The crime scene is secure at this point.</p> <p>17 BY MS. HOUSE:</p> <p>18 Q. In fact, on the left side you'll see that there's 19 people right by -- right behind April Johnson. You'll see 20 that correct, sir?</p> <p>21 A. Is April Johnson the one sitting down?</p> <p>22 Q. Yes, sir.</p> <p>23 A. Okay.</p> <p>24 Q. There are people there, right?</p> <p>25 A. Yes, ma'am.</p>
<p>1 Q. And you reported that when you arrived, you were 2 the first on the scene, correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. I'm going to scroll down.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Can you read -- if you see .03 Physical Evidence, 7 it says, D "The first officer to arrive at the scene of a 8 crime automatically assumes a responsibility of securing 9 the crime scene area from unauthorized intrusions to 10 protect any physical evidence."</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Are you familiar with this particular section, 13 sir?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay.</p> <p>16 (Video played.)</p> <p>17 BY MS. HOUSE:</p> <p>18 Q. I'm going to rewind a little bit and play what I 19 believe you didn't hear.</p> <p>20 A. Okay.</p> <p>21 (Video played.)</p> <p>22 BY MS. HOUSE:</p> <p>23 Q. Now, to the right, what do you see, sir?</p> <p>24 A. People standing around.</p> <p>25 Q. Okay. And you said that you saw no need to</p>	<p>Page 99</p> <p>Page 101</p> <p>1 Q. And in fact, in front of you, there is a female 2 right in front of you in the middle of this shot, correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. But I just want to point out, you stated that 5 there was no need to secure the scene. You felt no need 6 at this time, you're stating, because there was no fights 7 and nothing was going on.</p> <p>8 A. Right. To clarify, the crime scene at this point 9 is secure.</p> <p>10 Q. What makes it secure?</p> <p>11 A. The fact that there's no physical evidence to 12 collect. There's nobody crying or fighting or doing 13 anything at this point. EMS is safe and they can come in 14 and treat the victim.</p> <p>15 Q. At this point in time, how many patrol officers 16 do you recall are present?</p> <p>17 A. At some point in the incident, a lot of patrol 18 officers showed up. At that moment right there, I don't 19 know how many of us were there. I can see there was at 20 least three of us because I saw there was me -- there's 21 myself, there was Officer Osoria and Officer Cavazos. So 22 there was at least three of us, but like I said, I don't 23 know when all the other officers started showing up.</p> <p>24 Q. Sure. And you can see my screen, correct? I 25 want to make sure.</p>

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1 A. Yes, ma'am, I can.	1 Q. No, that wasn't a joke. It's technical things,
2 Q. Thank you, sir. Now, prior to this point, no	2 right? We're here by Zoom so there is only so much I can
3 altercations had occurred, right?	3 do on my end.
4 A. Except for the guy who got beat up.	4 I'm going to press play as to when people
5 Q. Okay. After that one, no other altercations	5 start arriving. Let me ask you, at this point that
6 occurred, correct?	6 gentleman is still on the floor, correct?
7 A. Up until the -- this other group of women or	7 A. I don't recall. I can't -- if he is -- I know
8 people showed up.	8 the ambulance shows up at some point, and they transport
9 Q. Okay.	9 him. I don't know if he's still on the ground at this
10 A. But in between that time, I would agree, yes,	10 point. I don't know.
11 everything was fairly calm.	11 Q. How about this. I think maybe it will be easier
12 Q. All right. So I'm going to fast-forward to what	12 for me to just let it play out --
13 you were talking about, all of a sudden a confrontation	13 A. Okay.
14 occurred, correct?	14 Q. -- so that you can see --
15 A. Uh-huh.	15 A. Okay.
16 Q. Okay. Let's play that.	16 Q. -- the events.
17 (Video played.)	17 (Video played.)
18 BY MS. HOUSE:	18 BY MS. HOUSE:
19 Q. Sir?	19 Q. Officer Tuli, now there's two male officers. Can
20 A. Yes, ma'am.	20 you identify -- so one you've already identified as
21 Q. The woman in the purple, was it your	21 Officer Cavazos, right?
22 understanding that she was invited to the event?	22 A. Uh-huh. Yes, ma'am.
23 A. I have no idea who that woman is.	23 Q. Who is the other officer?
24 Q. What was your understanding as to why she was	24 A. I think that's Officer Groce.
25 there? What did she tell you?	25 Q. Okay. I'm going to continue playing, okay?
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1 A. I don't remember. I have no idea. Yeah, that	1 A. Yes, ma'am.
2 one with the purple hair?	2 Q. Let me ask you, is this helping you remember?
3 Q. Yes, sir.	3 A. Sure. Yes, ma'am.
4 A. Yeah, I don't know her at all.	4 Q. Okay. Thanks.
5 Q. But this is recorded from your body camera. Did	5 (Video played.)
6 you hear what was being said to you from her?	6 BY MS. HOUSE:
7 A. Yeah, but I don't remember. I mean, this was,	7 Q. Mr. Tuli, so this is the -- you were talking
8 again, three-and-a-half years ago. I don't remember what	8 about joking and playing with kids. You remember that,
9 was being said.	9 right?
10 Q. And sir, I'm not asking you -- to be fair from	10 A. Yes, vaguely, yes, ma'am. I do remember, yes,
11 your memory. I'm asking you to describe what's going on	11 ma'am.
12 from your footage, what she told you.	12 Q. Okay. And so that's a reflection of how you were
13 So what did she tell you, according to your	13 trying to keep things light; is that fair to say at that
14 footage?	14 point?
15 A. From what I can see right here, it seems like two	15 A. Well, I also like kids. There were little kids
16 women are starting to argue with each other.	16 there. It was funny.
17 Q. Okay. And the woman told you specifically though	17 Q. Okay. And this is your body camera footage,
18 that something happened. Did you hear what she said?	18 correct?
19 A. No.	19 A. Yes, ma'am.
20 Q. Okay. I will play it again --	20 Q. Okay. To your knowledge, had this been -- this
21 A. Okay.	21 is -- this is what was produced from the City of San
22 Q. -- so that you can hear. And if you can't hear,	22 Antonio. So far do you believe that it's been altered in
23 let me know. I think I have it at max volume, Mr. Tuli.	23 any way?
24 A. Okay. Remember we talked about my hearing	24 A. Not that I can imagine, no, ma'am.
25 though. No, I'm just kidding.	25 Q. Okay. And this was Bates-stamped COSA000271 for

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<p>1 the record. No, it's not. Excuse me. It is 2 COSA000267 -- 265, excuse me. 3 I'm going to keep playing, okay, 4 Officer Tuli? 5 A. Yes, ma'am. 6 (Video played.) 7 BY MS. HOUSE: 8 Q. Okay. At this point, Officer Tuli, how many 9 officers do you see -- do you observe on the scene? 10 A. I just saw Officer Carrasco and Officer Stopper, 11 so then that's two. Then we saw Groce already, so that's 12 three; we saw Cavazos, four; myself is five, and Osoria -- 13 there's at least six of us there at this point. 14 Q. Okay. At least six, so more and more officers 15 are coming, correct? 16 A. Yes. 17 Q. And you also see now -- there's a gentleman right 18 here. Do you see my pointer? 19 A. Yes, ma'am. 20 Q. Who is this gentleman? 21 A. It looks like an EMS guy, but I don't know him. 22 Q. Okay. Sure. But finally, first responders come 23 to assist the initial incident you responded to, correct? 24 A. Second responders. No, I'm just kidding. I'm 25 kidding. Yes, ma'am.</p>	<p>Page 106</p> <p>1 Q. -- what do you observe? That's a large crowd, 2 right? 3 A. I would say so, yes, ma'am. 4 Q. Okay. Do you know if any -- it looks like most 5 of the officer presence is around the first victim you 6 came to respond to, correct? Is that fair to say? 7 A. It seems so, yes, ma'am. 8 Q. Do you know what's going on with this large crowd 9 in the background? 10 A. No, ma'am. 11 Q. Okay. And at this point, I haven't heard anyone 12 tell anyone to go home. Do you know that to be different? 13 A. So far, no. I don't know. I don't know, no. 14 Q. That's fair. 15 A. I don't know if anybody -- if any other officers 16 said anything. Obviously, I didn't say anything like 17 that, so ... 18 Q. I'm going to keep playing. 19 A. Yes, ma'am. 20 (Video played.) 21 BY MS. HOUSE: 22 Q. I'm going to pause. Back here where my arrow is, 23 you see April Johnson is still where she is, correct? 24 A. Okay. I mean, it looks blurry, I mean, but if 25 you're saying it's her, then it's her, yes, ma'am,</p>
<p>1 Q. I'm going to continue playing. 2 A. Yes, ma'am. 3 (Video played.) 4 BY MS. HOUSE: 5 Q. Do you recognize anyone else as the video pans? 6 A. That might be the A.N.R. -- A.N.E.R. 7 Q. Okay. So you see her? 8 A. Yeah. That's Officer Carrasco, Osoria. I can't 9 tell who that officer is in the back. That might be an 10 ambulance guy. 11 Q. Okay. 12 (Video played.) 13 BY MS. HOUSE: 14 Q. And how would you describe A.N.E.R.'s demeanor at 15 this point? 16 A. Right here? 17 Q. Yes, sir. 18 A. Chill, I don't know. Standing there. She's not 19 doing anything. 20 Q. Yeah. There's a lot of people standing there, 21 right? 22 A. Yeah, she's not doing anything. 23 Q. Not doing anything. Now, behind though, around 24 here -- 25 A. Uh-huh.</p>	<p>Page 107</p> <p>1 agree. 2 Q. But do you know that's a different woman that's 3 on the floor? 4 A. I don't know -- again, from here I cannot tell 5 who that is. And at the time I didn't know who she was. 6 If you're saying it's April Johnson, I'll take your word 7 for it. 8 Q. Sir, this is a woman? 9 A. From what I can see. I can't tell anything. It 10 looks blurry to me. But what I'm saying, if you're saying 11 it's her, then I'll take your word for it. 12 Q. Well, I'm trying to ascertain what you see and 13 what you observe. And so if it's blurry, I'll keep 14 playing. Let me know at any point in time if you're able 15 to see the woman, okay, more clearly. 16 A. Okay. 17 (Video played.) 18 BY MS. HOUSE: 19 Q. Who is this officer that walked up to you saying 20 "rowdy quince"? 21 A. That was Officer Sarah Carrasco. 22 Q. And how do you know Officer Carrasco? 23 A. She is a police officer with me. 24 Q. Does she work in your unit? 25 A. She works the dogwatch shift or the C shift, but</p>

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<p>1 we work in the same section.</p> <p>2 Q. I'm sorry. I don't understand the lingo.</p> <p>3 A. So there's four shifts on the entire department.</p> <p>4 There's the daylight shift; there's the mid-shift or the B</p> <p>5 shift where they work from, like, 1:00 in the afternoon</p> <p>6 until like 9:00; there's the T shift, which I work is from</p> <p>7 5:00 to 3:00 in the morning, and then there's the night</p> <p>8 shift or the dogwatch shift where they come on at like</p> <p>9 10:00 and they get off at like 6:00 or 7:00 in the</p> <p>10 morning. So there's an overlap in the shifts.</p> <p>11 Q. Okay. Thank you for explaining that. I'm going</p> <p>12 to keep playing the video.</p> <p>13 (Video played.)</p> <p>14 BY MS. HOUSE:</p> <p>15 Q. So Officer Tuli, EMS has arrived by this point,</p> <p>16 correct?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Let me ask you, as to -- since you were the first</p> <p>19 officer on the scene, what did you believe was going to</p> <p>20 happen once that victim was secured with EMS?</p> <p>21 A. That we would all leave and the reporting</p> <p>22 officer, which is able -- I believe it was Daniel Groce's</p> <p>23 district that night; so he would have taken over the</p> <p>24 report responsibility, and he would have gave in</p> <p>25 general -- you give the victim a case number and give them</p>	Page 110	Page 112
<p>1 advice on how to follow-up with the follow-up unit to</p> <p>2 press any charges if they want.</p> <p>3 Q. Let me ask you, okay, so who was going to give</p> <p>4 the victim that information; would it be you or Groce?</p> <p>5 A. It would have -- so if Groce would have never</p> <p>6 showed up, it would have been me, but since Groce showed</p> <p>7 up, it's his district. He has report writing</p> <p>8 responsibility at that point. It was going to be Groce.</p> <p>9 That's why I was giving Groce all the info.</p> <p>10 Q. Understood. At that point who was highest</p> <p>11 ranking officer present when Groce arrived?</p> <p>12 A. We're all the same rank.</p> <p>13 Q. Okay. So we're still talking about patrolman</p> <p>14 here, right? Am I saying it correctly?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. I want to be respectful.</p> <p>17 A. No, you're doing great. I want to be respectful</p> <p>18 too.</p> <p>19 Q. Awesome, yeah. Thank you. Okay.</p> <p>20 (Video played.)</p> <p>21 BY MS. HOUSE:</p> <p>22 Q. As to Mr. Woznack, Mr. Tuli, at any point in time</p> <p>23 did you ever approach him and try to engage in a</p> <p>24 conversation with him? Because I didn't see it on your</p> <p>25 body camera.</p>	Page 111	Page 113
<p>1 A. I don't think I did. He seemed -- if I remember</p> <p>2 correctly, he was unconscious or barely in and out; so</p> <p>3 there was really nothing I could ask him.</p> <p>4 Q. Okay. But I never did see you approach him. Did</p> <p>5 any other officer, because I didn't see it either in the</p> <p>6 body camera in yours, did any other officer ever approach</p> <p>7 him to see if he was okay?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. I'm going to keep playing for you, okay?</p> <p>10 A. Yes, ma'am.</p> <p>11 (Video played.)</p> <p>12 BY MS. HOUSE:</p> <p>13 Q. At this point in time Mr. Tuli, EMS has taken the</p> <p>14 victim, correct?</p> <p>15 A. It looks like they are about to take him, but</p> <p>16 yes.</p> <p>17 (Video played.)</p> <p>18 BY MS. HOUSE:</p> <p>19 Q. But to be clear, they removed the victim from the</p> <p>20 floor and you saw them go towards the left; did you see</p> <p>21 that?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Okay. Who is Willie?</p> <p>24 A. Willie Hooten.</p> <p>25 Q. Willie Hooten sounds like that's your friend?</p>		

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1 responsibility would it have been to call for more 2 officers? Because I know you called for EMS, right? 3 A. Uh-huh. 4 Q. You were the first -- you called for EMS. You 5 did that role, right? 6 A. Uh-huh. 7 Q. You stated Officer Groce was there. Whose 8 responsibility would it have been to say, let's get more 9 officers down here? 10 A. Well, there is no -- there is no, hey, it's your 11 job to call more officers kind of title. It's -- it -- 12 depending on the situation, it can be any officer who 13 says, "Hey, send us some more officers, please," or, "Hey, 14 cancel anyone else coming out. Everything is fine here." 15 In a situation with well over 50, 60 people, 16 probably seven, eight officers normally wouldn't suffice 17 but, you know, it is what it is. We work with what we 18 have. 19 Q. Understood. How many officers do you believe 20 would have sufficed? 21 A. I don't know. It just depends. How many 22 officers does it take to quell a riot. It just really 23 depends. 24 Q. But at this time, I mean, what riot do you see up 25 to this point?	1 Q. Pressing charges, okay. If she wanted to press 2 charges, who would have been the officer taking her 3 report? 4 A. It depends on -- again, it depends on what she's 5 saying. I can't -- people walk up to us all the time and 6 say things like, "I want to press charges," and you got to 7 get to the bottom of that, "What are you pressing charges 8 for? What happened." Somebody just saying, "I want to 9 press charges" doesn't mean an officer is going to give 10 her a report number and press said charges. I don't know 11 what she was talking about at this point. 12 Q. Understood. Did you ever follow-up with her as 13 to what she wanted to press charges for? 14 A. Not that I recall, no. 15 Q. Do you know if any other officers, if you know, 16 followed-up with her to see who she wanted to press 17 charges against? 18 A. I don't know. Did she ever follow up with any of 19 us? I don't know. 20 Q. Okay. I'm going to keep playing the video. 21 A. Yes, ma'am. 22 (Video played.) 23 BY MS. HOUSE: 24 Q. Okay. You can see here -- who do you see getting 25 rowdy because you describe that people, you know, you
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1 A. Yeah, right now everything's pretty calm. 2 Q. Okay. I'm going to continue playing the video. 3 A. Yes, ma'am. 4 (Video played.) 5 BY MS. HOUSE: 6 Q. Okay, sir. When you said, "Stop pushing," who 7 were you talking to? 8 A. To be honest, looking at the video camera, I 9 can't tell, but obviously, I saw somebody pushing somebody 10 and I said stop. Just looking at the camera, I can't tell 11 who I was saying that to though. 12 Q. Okay. Now, the purple lady is going to say 13 something and this is where I was before -- 14 A. Okay. 15 Q. -- that I'm ending up at, so if you could listen 16 carefully, and if you can't hear or you need to, you know, 17 put your volume up on your computer, go ahead and do so, 18 so you can hear what's being said, okay? 19 A. Yes, ma'am. 20 Q. All right. 21 (Video played.) 22 BY MS. HOUSE: 23 Q. Okay. She's asking for something, isn't she? 24 A. It sounded like she said something about a 25 granddaughter being 14 and pressing charges.	1 described some behavior that caused the initial 2 disturbance. What can you describe based on what you see 3 as to what's going on in this initial disturbance? 4 A. Well, right here, it looks like some women are 5 arguing with each other. 6 Q. What woman appears to be the aggressor in this 7 situation? 8 A. I can't tell who's talking, but it seems like the 9 person on the right side of my screen. 10 Q. Which one? 11 A. The camera paused but -- 12 Q. This one? 13 A. Yeah, seems like that. 14 Q. All right. I'm going to continue pressing play. 15 (Video played.) 16 BY MS. HOUSE: 17 Q. Can you identify this person here? 18 A. No. 19 (Video played.) 20 BY MS. HOUSE: 21 Q. Okay. Do you identify who this was? 22 A. No. I still don't know who that is. I'm sorry. 23 Q. You don't recall that being Jenny Ybarra? 24 A. Oh, is it her? 25 Q. I'll play, maybe you can see. I'll back it up a

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<p>1 little bit. Maybe you can see a little more. I'll press 2 play. She comes in view of your body camera so --</p> <p>3 A. Okay.</p> <p>4 Q. -- let me press play.</p> <p>5 (Video played.)</p> <p>6 BY MS. HOUSE:</p> <p>7 Q. Okay. Did you -- were you able to identify her?</p> <p>8 A. I don't -- I don't know any of them, but again, I 9 don't want to -- if you say that's her, then sure it's 10 her. I don't know her.</p> <p>11 Q. I'm not providing testimony, Mr. Tuli, to be -- 12 to be clear. I'm just asking you questions as to what you 13 observe and what you remember. Remember, I'm only here to 14 get facts like -- and not to give -- provide testimony 15 just to be clear. So I really -- I'm just here to 16 understand your side.</p> <p>17 MR. FRIGERIO: Objection to form. He said 18 he didn't know; so he doesn't know.</p> <p>19 BY MS. HOUSE:</p> <p>20 Q. I'm going to continue playing so that you can see 21 what happened, okay?</p> <p>22 A. Yes, ma'am.</p> <p>23 (Video played.)</p> <p>24 BY MS. HOUSE:</p> <p>25 Q. Okay. So from that altercation, you pulled away</p>	<p>1 (Video played.)</p> <p>2 BY MS. HOUSE:</p> <p>3 Q. And Officer Tuli, you see a lot of officers 4 standing around, correct?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. And at this point, your body camera doesn't pick 7 up anyone still -- no one has told anyone to leave the 8 scene, correct?</p> <p>9 A. It sounds like it, yes, ma'am.</p> <p>10 Q. And still to this point, you've told specifically 11 no one to leave the scene, right?</p> <p>12 A. Not yet, no, ma'am.</p> <p>13 Q. I'm going to keep playing the video.</p> <p>14 (Video played.)</p> <p>15 BY MS. HOUSE:</p> <p>16 Q. Does the woman with the purple hair listen to 17 you, sir?</p> <p>18 A. I don't know -- I don't know if it's choppy where 19 you are but it's real choppy. I don't even know where the 20 woman with the purple hair is anymore.</p> <p>21 Q. Okay. I will rewind.</p> <p>22 (Video played.)</p> <p>23 BY MS. HOUSE:</p> <p>24 Q. Do you see the one right here with the purple 25 hair?</p>
<p style="text-align: center;">Page 119</p> <p>1 the person that you believe needed to be pulled away; is 2 that correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. That wasn't April Johnson. It was Jenny 5 Ybarra; is that correct?</p> <p>6 A. Sure. Yes, ma'am.</p> <p>7 Q. Okay. And so when you stated April Johnson was 8 being an aggressor, at this point when has April Johnson 9 been an aggressor?</p> <p>10 A. Not yet, but she clearly becomes the aggressor.</p> <p>11 Q. So we're -- okay.</p> <p>12 A. It's not yet, but people aren't aggressive until 13 they become aggressive, you know. She was not the 14 aggressor at first, and then apparently it's clear that 15 she does become the aggressor.</p> <p>16 Q. And so -- but this first altercation she's not. 17 Can we agree on that?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. Thank you so much for your honesty. I'm 20 going to keep playing.</p> <p>21 (Video played.)</p> <p>22 BY MS. HOUSE:</p> <p>23 Q. Is this Officer Groce talking?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. Okay. Thank you.</p>	<p style="text-align: center;">Page 121</p> <p>1 A. Oh, yeah, I do.</p> <p>2 Q. And she is making sounds with her hands, right?</p> <p>3 A. Okay.</p> <p>4 Q. Okay.</p> <p>5 (Video played.)</p> <p>6 BY MS. HOUSE:</p> <p>7 Q. Okay. Do you identify who this woman is right 8 here, sir?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Okay.</p> <p>11 (Video played.)</p> <p>12 BY MS. HOUSE:</p> <p>13 Q. She doesn't look familiar?</p> <p>14 A. No. Like I said, I don't know if it's -- if your 15 camera -- or if your video is doing the same thing, but 16 the sound is coming out very clear, but it's really choppy 17 on our end. It's like --</p> <p>18 Q. When you say it's choppy, the video is choppy?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And I don't know what you see on your end.</p> <p>21 MS. HOUSE: I'm going to ask the other 22 lawyers. Does this video look choppy to you?</p> <p>23 MR. FRIGERIO: It is choppy, but I mean, 24 we're not here to give testimony, but it is choppy.</p> <p>25 MS. HOUSE: Okay. And when you say</p>

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<p style="text-align: right;">Page 122</p> <p>1 "choppy," can you see images?</p> <p>2 MR. FRIGERIO: Images that aren't clear.</p> <p>3 BY MS. HOUSE:</p> <p>4 Q. Okay. And I think that's just the body camera</p> <p>5 footage, but let me know if for some reason, Officer Tuli,</p> <p>6 if you just really can't see something. But you did see</p> <p>7 the purple hair, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. I'm going to continue playing.</p> <p>10 (Video played.)</p> <p>11 BY MS. HOUSE:</p> <p>12 Q. Sir, did you hear the word "weapon"?</p> <p>13 A. Right now? I don't know. There's a lot of stuff</p> <p>14 being said. I don't know, if you want to replay it again,</p> <p>15 but no, I didn't.</p> <p>16 Q. So you didn't hear someone say, "She got a</p> <p>17 weapon"?</p> <p>18 A. I don't know. Push play again.</p> <p>19 Q. Okay. I'll push play again. Sure.</p> <p>20 (Video played.)</p> <p>21 BY MS. HOUSE:</p> <p>22 Q. Did you hear that?</p> <p>23 A. I actually did, yes, ma'am. I did hear that.</p> <p>24 Q. Okay. Now, you directed the crowd at this point,</p> <p>25 you said, just go in any direction, correct?</p>	<p style="text-align: right;">Page 124</p> <p>1 being committed, we don't normally say, "Hey, let me walk</p> <p>2 you to your car individually." Let me get 60 police</p> <p>3 officers out here to walk each individual person to their</p> <p>4 vehicle and make sure that they're safe, we don't normally</p> <p>5 do that.</p> <p>6 Q. Did you feel at this point in time it was</p> <p>7 important to secure this scene and to direct people to go</p> <p>8 home?</p> <p>9 A. Well, it was clearly getting -- starting to</p> <p>10 escalate, the situation was starting to escalate at this</p> <p>11 point.</p> <p>12 Q. Right. So the situation started to escalate,</p> <p>13 right? And there are a large number of people there.</p> <p>14 A. Uh-huh.</p> <p>15 Q. And -- okay. Remember, Officer Tuli, the court</p> <p>16 reporter can't write down "uh-huh" so could you use --</p> <p>17 A. I'm sorry. Yes, ma'am.</p> <p>18 Q. Thank you, sir. There were enough officers</p> <p>19 present at the scene right now to -- sufficient enough to</p> <p>20 start directing people to go home.</p> <p>21 A. Well, we're de-escalating. We're trying to</p> <p>22 de-escalate this from going any -- or getting any worse.</p> <p>23 Q. What was the de-escalation tactic here?</p> <p>24 A. Separate parties who are involved in the fight.</p> <p>25 Q. And where were these -- everyone is outside,</p>
<p style="text-align: right;">Page 123</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. You said go in any direction, go to any direction</p> <p>3 but here, whatever direction they wanted to go. That was</p> <p>4 your directive, correct?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. What -- in this case what do SAPD policies and</p> <p>7 procedures tell you to do?</p> <p>8 A. Keep the peace.</p> <p>9 Q. What else?</p> <p>10 A. You mean when people are about to fight? It's</p> <p>11 our job to keep the peace.</p> <p>12 Q. Okay. Do they tell you to do anything else?</p> <p>13 A. There's all things you can do or you shouldn't do</p> <p>14 I mean, what do you mean? I guess to clarify the</p> <p>15 question, in this situation particularly, it was -- the</p> <p>16 most important thing was to keep the peace and keep people</p> <p>17 from getting hurt.</p> <p>18 Q. Okay. Were there enough officers present on the</p> <p>19 screen to make sure people were escorted away from the</p> <p>20 scene to their vehicles?</p> <p>21 A. No. We don't -- you don't escort people away to</p> <p>22 their -- to their vehicles. You -- you keep the peace.</p> <p>23 You keep people from assaulting each other if that's the</p> <p>24 case, but it's not the police officer's job -- unless</p> <p>25 people are going to jail or there's, you know, crimes</p>	<p style="text-align: right;">Page 125</p> <p>1 right? Where were these parties supposed to separate to?</p> <p>2 A. I think I was pretty clear when I said, go in any</p> <p>3 direction except this way. I think I was pretty clear.</p> <p>4 Q. Okay. Just to be clear, you didn't tell them to</p> <p>5 go home?</p> <p>6 A. Not yet I guess.</p> <p>7 Q. Okay.</p> <p>8 (Video played.)</p> <p>9 BY MS. HOUSE:</p> <p>10 Q. Okay. What do you observe?</p> <p>11 A. Again, it's pretty choppy, but it looks like this</p> <p>12 young woman is going back in the direction that I didn't</p> <p>13 want her to go. So screaming, hollering -- I'm sorry?</p> <p>14 Q. I'm going to back it up.</p> <p>15 A. Your volume went down all of a sudden. Hold on.</p> <p>16 Can you hear me?</p> <p>17 Q. Yes. I can hear you. Can you hear me?</p> <p>18 A. Yeah, your volume got super quiet. I don't know</p> <p>19 why.</p> <p>20 MR. FRIGERIO: Yeah, your volume is down,</p> <p>21 Counsel.</p> <p>22 MS. HOUSE: Let me -- I don't know. I</p> <p>23 didn't do anything differently. Is it still down?</p> <p>24 THE WITNESS: Yeah.</p> <p>25 MR. FRIGERIO: We can barely hear you.</p>

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1 MS. HOUSE: Let me stop sharing the screen. 2 Can you still hear me? 3 THE VIDEOGRAPHER: We're unable to hear you. 4 (Pause in proceedings.) 5 THE VIDEOGRAPHER: Looks like she just 6 dropped out of the room for a second, so she should be 7 back here shortly. 8 (Pause in proceedings.) 9 THE VIDEOGRAPHER: Are you able to hear us? 10 Yeah. We can't hear your audio. 11 MR. FRIGERIO: Is your volume down maybe? 12 (Pause in proceedings.) 13 MR. URBIS: Is this a good time to take a 14 lunch break, let her get her technical issues worked out 15 or -- 16 MR. FRIGERIO: As soon as she gets back on, 17 it's fine with me. She had to be at court anyway she said 18 at 1:15. 19 MR. URBIS: That's what I thought. 20 MS. RODRIGUEZ: I'm okay with that as well. 21 (Pause in proceedings.) 22 THE VIDEOGRAPHER: We still can't hear you. 23 MS. HOUSE: Can you hear me now? 24 MS. RODRIGUEZ: It's lower, but we can hear 25 you.	1 BY MS. HOUSE: 2 Q. Officer Tuli, you're going to see -- you're going 3 to see April Johnson pull A.N.E.R. towards her, okay? 4 A. Okay. 5 (Video played.) 6 BY MS. HOUSE: 7 Q. Okay. Did she do that? 8 A. Yes. That's what it appears. 9 Q. Okay. And so was she going towards that 10 direction or was she trying to pull away, to be clear? 11 A. I don't know, to be honest. I mean, I can see 12 her holding someone's arm. I'm assuming this is 13 April Johnson right here with the white dress, correct? 14 Q. Yes, sir. It's April Johnson. 15 A. And I'm assuming she's holding A.N.E.R.'s arm. 16 Q. Correct. That's correct. 17 A. I can't tell if she's going towards or coming 18 away. I can't tell. 19 Q. Okay. Would you like me to play it again? 20 A. If you want to, yes, ma'am. 21 Q. Sure. I'll play it again for you and you can 22 tell me what you observe. 23 MR. URBIS: Objection to the form. It's 24 been asked and answered. He said he couldn't tell. And 25 it's speculation to continually ask him again.
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1 MS. HOUSE: It's still lower? Is it better 2 now? 3 THE VIDEOGRAPHER: If you hit the -- there's a 4 the mute button in the bottom left corner and there's a 5 little arrow. If you hit that and open up all the volume 6 options, you can adjust the speaker volume within Zoom. 7 MS. HOUSE: It's at its max. 8 THE VIDEOGRAPHER: It is maxed. 9 MS. HOUSE: How does this sound? 10 THE VIDEOGRAPHER: There we go. 11 MR. FRIGERIO: That's it. 12 MS. HOUSE: I don't know how that happened 13 because I didn't touch anything. 14 THE VIDEOGRAPHER: Every now and then it 15 happens. 16 MS. HOUSE: Yeah. That's why Officer Tuli 17 keeps staying away from technology. 18 BY MS. HOUSE: 19 Q. Let me pull back -- pull the video back up for 20 you. One moment. 21 Okay. Officer Tuli, I think we left in 22 around 9 minutes and 47 seconds in. 23 A. Okay. 24 Q. And I'm going to share my screen. 25 (Video played.)	1 BY MS. HOUSE: 2 Q. Let me be clear, Officer Tuli, it's because you 3 couldn't see the video? 4 A. You're talking about right now? Well, there's a 5 lot of things, you know. I can't really make a 6 determination if somebody was pulling away or going 7 towards something even if the video was clear. But to be 8 clear, this video is pretty choppy on our end. 9 Q. Okay. So you're saying even if the video is 10 clear, you couldn't tell me if someone's moving away or 11 going towards something? 12 A. It just depends on the video; sometimes yes, 13 sometimes no. I don't know if I would be able to tell 14 even if this video is clear. What I can see on this side 15 is a person in a white dress holding someone's arm. 16 Q. Okay. And to be clear, Officer Tuli, I'm showing 17 you this because this is your body camera footage, okay? 18 A. Yes, ma'am. 19 Q. And this is footage that you took on that night, 20 correct? 21 A. Yes, ma'am. 22 Q. And you had your body camera on and activated 23 because at that point that's what was required of you as a 24 police officer, right? 25 A. Yes.

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<p>1 Q. Okay.</p> <p>2 (Video played.)</p> <p>3 BY MS. HOUSE:</p> <p>4 Q. Okay. At this point, would you describe</p> <p>5 April Johnson as an aggressor?</p> <p>6 A. The only thing I saw there, I heard a lot of</p> <p>7 noise, I heard of a lot yelling. The only thing I can</p> <p>8 see --</p> <p>9 (Video played.)</p> <p>10 BY MS. HOUSE:</p> <p>11 Q. I'm sorry. I didn't mean for that to play. I'm</p> <p>12 sorry. The only thing was what?</p> <p>13 A. The back of someone's hair.</p> <p>14 Q. The back of someone's hair?</p> <p>15 A. Yes, ma'am. The video is really -- is really</p> <p>16 choppy, but I can hear noises. I can hear a lot of</p> <p>17 yelling and a lot of screaming, but what I saw was like a</p> <p>18 freeze-frame almost of the back of someone's hair.</p> <p>19 Q. Okay. I just -- Officer Tuli, I want to make</p> <p>20 sure we make the best use of this deposition.</p> <p>21 I'm sorry, did someone talk? Can you hear</p> <p>22 me?</p> <p>23 A. I can hear, yes, ma'am.</p> <p>24 MR. FRIGERIO: I can hear you.</p> <p>25 //</p>	<p>1 video with the -- in the IA proceeding?</p> <p>2 A. No. I think it's the technology here tonight or</p> <p>3 today. Normally, when we watch our body camera videos,</p> <p>4 they're not choppy at all. They're pretty clear. I mean,</p> <p>5 they might get shaky a little bit from moving around and</p> <p>6 stuff, but they're not choppy. The videos are normally</p> <p>7 pretty smooth. So I think when it's coming from your end</p> <p>8 and displaying onto my end, it -- it almost looks like</p> <p>9 you're taking still frames and moving one picture and</p> <p>10 putting another one in. It's just pretty choppy, but I</p> <p>11 would assume it's not like that if I were looking at -- if</p> <p>12 it wasn't traveling into outer space and then back down</p> <p>13 into this computer, you know.</p> <p>14 Q. Okay. I understand. And thank you for letting</p> <p>15 me know because I don't see what you see on your end,</p> <p>16 okay?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. All that I see is that it looks clear from my</p> <p>19 end.</p> <p>20 Can we just try one thing? Is there any way</p> <p>21 that you can -- because -- can you clean off your video</p> <p>22 screen? Do you see where there's a camera on the</p> <p>23 computer?</p> <p>24 A. Yeah.</p> <p>25 Q. Do you have anything, a Kleenex or something that</p>	
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<p>1 BY MS. HOUSE:</p> <p>2 Q. Okay. Officer Tuli, I want to make -- in order</p> <p>3 for me to be able to do my job today, I need to be able to</p> <p>4 show you this video, okay? You understand that?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. If you believe that technology is failing you and</p> <p>7 that there is some better way to do this, I'd like to</p> <p>8 figure that out for you, okay? Because I promised you</p> <p>9 today that I was going to be -- there were two things I</p> <p>10 promised you, that I was going to be polite. Have I done</p> <p>11 that?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Thank you. And I also told you that I was going</p> <p>14 to be professional, correct?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And so in order for me to be professional and to</p> <p>17 do my job, I have to be able to ensure that the equipment</p> <p>18 allows me to do my job, but also, in turn, allows you as</p> <p>19 the deponent, to be able to see the information and</p> <p>20 testify from it, okay?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. And to be clear, when you say -- let me</p> <p>23 ask you, when you state the video is choppy --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- did it look the same when you reviewed the</p>	<p>1 you can do -- a cloth to wipe that camera?</p> <p>2 A. (Witness complies.)</p> <p>3 Q. Now, I'm going to try to play the video again.</p> <p>4 Let me know if you believe the video still looks choppy,</p> <p>5 okay?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Okay. Thank you.</p> <p>8 (Video played.)</p> <p>9 THE WITNESS: I can't see.</p> <p>10 BY MS. HOUSE:</p> <p>11 Q. Go ahead.</p> <p>12 A. It's just pictures of all of us. I don't see</p> <p>13 anything. I don't see the video.</p> <p>14 Q. Oh, sorry. Let me share the screen.</p> <p>15 A. You're fine.</p> <p>16 (Video played.)</p> <p>17 BY MS. HOUSE:</p> <p>18 Q. Let me ask you Mr. -- Officer Tuli, I'm sorry.</p> <p>19 Earlier, you were able to identify several officers on the</p> <p>20 scene, correct?</p> <p>21 A. Uh-huh. Yes, ma'am.</p> <p>22 Q. Did the picture quality change between now and</p> <p>23 then or was it the same?</p> <p>24 A. No, the picture quality is all the same.</p> <p>25 Q. Okay. I'm going to continue playing.</p>	

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1	A. Yes, ma'am.	1	A. Yeah.
2	(Video played.)	2	Q. Okay. In that particular scene, who would you
3	BY MS. HOUSE:	3	say was the aggressor in this second confrontation?
4	Q. Sir, as soon as you heard someone state "She got	4	A. I would assume it was April. I mean, I'm going
5	a weapon," what did you do?	5	off of what I remember.
6	A. I don't know if I heard that when I was on scene.	6	Q. Okay.
7	Q. Okay. Your body camera picked it up, correct?	7	A. I wasn't dealing with that other lady.
8	A. Yes, but remember I have hearing problems.	8	Q. Okay. But can you describe to me what did April
9	Q. Do you know if any officers said anything about a	9	do in order to make her seem like the aggressor at this
10	weapon that night?	10	point?
11	A. I don't know. I do know later on in the incident	11	A. At this point, I don't know.
12	when the 13-year-old, the -- Ms. Johnson's son, when he	12	Q. Okay. April Johnson pulled A.N.E.R. away from
13	wanted to fight me, there was definitely people yelling	13	the situation. That's what you observed in this shot
14	"gun" or "go get my gun" or something, making, you know,	14	right now, correct?
15	I'm pretty sure were threats to hurt us, hurt a police	15	A. Yes, ma'am.
16	officer but --	16	Q. Okay. And she's saying, "not mine, not mine,"
17	Q. Well, okay. But sir, specifically about this,	17	right?
18	someone is saying, "She got a weapon." Do you know at	18	A. Yes, ma'am.
19	this point in time if anyone did anything to respond to a	19	Q. Okay. And would you state that by pulling her
20	threat that there was a weapon at the -- on the scene at	20	child away that that was the right thing to do?
21	that point?	21	A. Yes, sure. Yes, ma'am.
22	A. I don't know if anybody heard that.	22	Q. Okay. And then you saw with my mouse in the
23	Q. Okay. I am going to continue playing the video.	23	screen that there was a lady lunging towards
24	A. Yes, ma'am.	24	April Johnson. Did you see that?
25	(Video played.)	25	A. I can see a woman over there struggling with what
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1	BY MS. HOUSE:	1	appeared to be an officer.
2	Q. Okay. Do you see the woman over here?	2	Q. And an officer had to hold her back, right?
3	A. Yeah. I see what you were talking about now when	3	A. Sure. Yes, ma'am.
4	you were -- you know, it's a little clearer now when you	4	Q. Okay. In this case, April Johnson wasn't the
5	were talking about her pulling the arm away from --	5	aggressor, correct, at this point?
6	Q. Okay.	6	A. At this point, again, this is -- my camera picks
7	A. I see that now, yes. Sorry.	7	all this stuff up. Who knows what I'm looking at right
8	Q. No, no problem. Thank you. So can you describe,	8	now.
9	please, what you view in this video?	9	Q. Okay. But sir, I'm just talking about right now
10	A. I'm assuming this is Ms. Johnson here? She's	10	-- this is not a trick question. At this point --
11	pulling somebody away, and there's people standing around.	11	A. No, no. Yeah, I agree, yeah. Looking at the
12	It looks like there's -- there's -- looks like the crowd	12	body camera, it does seem like April Johnson walked off.
13	is starting to escalate things. Things are starting to	13	Q. Okay. Thank you. I am going to keep playing.
14	get a little out of hand.	14	(Video played.)
15	Q. And do you see my mouse [sic], sir?	15	BY MS. HOUSE:
16	A. Yes, ma'am.	16	Q. Now, Mr. Tuli, you were closer to April Johnson
17	Q. There's a woman right here. Did you see what she	17	prior to this particular scene, right?
18	was doing or do you want me to rewind?	18	A. I think so.
19	A. You can rewind it, but no, I didn't see.	19	Q. Okay. And if April Johnson were an aggressor,
20	Q. Okay. I'm going to rewind what your camera	20	you would have been telling her, "that's enough, go,"
21	picked up.	21	right?
22	A. Okay.	22	A. Maybe.
23	(Video played.)	23	Q. Okay. But, in fact, you walked away from
24	BY MS. HOUSE:	24	April Johnson towards the group of girls over here, over
25	Q. Do you see the woman?	25	there, correct?

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1 A. That's what it appears, yes, ma'am.	1 A. Yes, ma'am.
2 Q. And you're telling them, "That's enough. That's	2 Q. Okay. Thank you. And I'm sorry, Officer Tuli.
3 enough. Go." Correct?	3 I don't want to talk over you, so I'm going to try to
4 A. Yes, ma'am.	4 check myself to not talk over you, but also operator error
5 Q. Did they listen to you?	5 as to not play the video when you're talking. I think
6 A. I think so. I can't remember. I didn't see the	6 when I try to adjust the Zoom screen, it starts playing.
7 rest of the video for a long time, but I think they	7 But I'm going to try to do my best to work out that
8 listened to me, yes, ma'am.	8 technical issue on my end.
9 Q. Are you sure?	9 A. If I were the judge, I'd say you're doing fine,
10 A. No. Again, this is based on my memory, but I	10 so ...
11 think they listened. I didn't have to physically restrain	11 Q. Thank you for your mercy. Okay. One moment.
12 any of them. I would assume.	12 I'm going to pull up your body camera footage, okay?
13 Q. Okay. And, Officer Tuli -- I'm sorry. I don't	13 A. Yes, ma'am.
14 mean to talk over you. I'll let you finish.	14 Q. Let me know, Mr. Tuli -- Officer Tuli, if you
15 A. I'm sorry.	15 can't hear the volume.
16 Q. Officer Tuli, before you told them go in any	16 A. Okay.
17 direction you want to go, you recall telling them that,	17 (Video played.)
18 right?	18 BY MS. HOUSE:
19 A. Yes, ma'am.	19 Q. I'm going to try to move this panel.
20 Q. But here you're telling them go, did you tell	20 At this particular time, Officer Tuli,
21 them where to go?	21 April Johnson is not in your body camera view, right?
22 A. Yeah, away.	22 A. Yes, ma'am.
23 Q. Okay.	23 Q. Okay. And from this point, she's not the
24 MS. HOUSE: It is 1:15. I do have court I	24 aggressor at this particular occasion, correct?
25 have to jump in a court proceeding. Can we pause and take	25 A. Yes, ma'am.
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1 a lunch break here? All right. And we can be back in an	1 Q. Okay. And when you say "yes, ma'am," you mean
2 hour.	2 yes, correct?
3 MR. FRIGERIO: I'd ask the court reporter,	3 A. Yes, correct.
4 what are we doing on time, is it about what, three-some	4 Q. Okay. Thank you. I'm going to keep playing your
5 hours?	5 body camera video footage for you.
6 THE REPORTER: Three hours and 22 minutes.	6 A. Yes, ma'am.
7 MR. FRIGERIO: Okay.	7 (Video played.)
8 MS. HOUSE: Thank you all.	8 BY MS. HOUSE:
9 THE REPORTER: Off the record at 1:16 p.m.	9 Q. Can you tell me who this officer is stepping in
10 (Lunch recess taken, 1:16 p.m. - 2:17 p.m.)	10 right here?
11 THE REPORTER: Back on the record at	11 A. That appears to be Officer Cavazos.
12 2:17 p.m.	12 Q. Okay.
13 BY MS. HOUSE:	13 (Video played.)
14 Q. Thank you. Officer Tuli, before we took a break,	14 BY MS. HOUSE:
15 we were watching your body camera footage. Do you recall?	15 Q. Is this Osoria right here?
16 A. Yes, ma'am.	16 A. Yes, ma'am.
17 Q. Okay. And we -- we already established that you	17 Q. Okay.
18 arrive to the scene. There was a victim, I believe,	18 (Video played.)
19 like, two altercations so far. Jenny Ybarra is the	19 BY MS. HOUSE.
20 aggressor, then there's a woman with the purple hair.	20 Q. Did you hear in the background someone calling
21 Then you had -- there was another lady being held back by	21 for a wagon?
22 an officer. And we're going to continue on from there.	22 A. No. I didn't hear, but that's not unusual.
23 A. Okay.	23 Q. Okay. And can you tell me the procedure for
24 Q. And is that a fair and accurate representation of	24 calling for a wagon, did you agree with this request?
25 what we went over this morning?	25 A. To be honest, I don't even remember if I remember

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1 knowing that a wagon was coming.	1 Manual, Rules and Regulations.
2 Q. Okay. If someone -- if I told you someone called	2 Q. Okay. And you're familiar with this policy, sir?
3 for a wagon, would you agree with this request?	3 A. Yes, ma'am.
4 A. I would have no objections to calling for a	4 Q. Okay. And you are familiar with Section 3.00,
5 wagon.	5 individual responsibilities?
6 Q. Okay. And at this time you felt like no one was	6 A. Yes, ma'am.
7 listening; is that fair to say?	7 Q. And also 3.02, correct?
8 A. I wouldn't say no one, but it definitely seems	8 A. Yes, ma'am.
9 like the crowd is becoming more and more agitated.	9 Q. Okay. So in 3.00, 3.01 states that -- it goes
10 Q. Okay. Are you becoming agitated at this point	10 over abide by laws and department orders, right?
11 too or no?	11 A. Yes, ma'am.
12 A. No, ma'am.	12 Q. It says, "Laws, orders, rules, regulations, and
13 Q. Okay. But the crowd is?	13 procedures: Members shall abide by the laws of the
14 A. That's what I remember. Yeah, it's kind of	14 United States and the State of Texas, ordinances of
15 escalating.	15 the City of San Antonio and the departmental rules --
16 Q. At this point, do you think it would have been	16 orders, rules, regulations, and procedures of the
17 appropriate to start telling people to go home?	17 San Antonio Police Department." Right?
18 A. Maybe, I don't know. Maybe.	18 A. Yes.
19 Q. Okay. I'm going to keep playing the video.	19 Q. And do you abide by this rule?
20 (Video played.)	20 A. Yes, ma'am.
21 BY MS. HOUSE:	21 Q. Then 3.02, Truthfulness of Members, are you
22 Q. Okay. Do you hear April Johnson?	22 familiar with this section, sir?
23 A. Yes, ma'am.	23 A. Yes, ma'am.
24 Q. Okay. And what is she saying?	24 Q. Okay. And this section reads: "Members shall
25 A. It sounds like she said, "They tried to run up on	25 speak the truth at all times. Reports and written
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1 my daughter."	1 communications from any member shall also reflect the
2 Q. Okay. And she's reporting this to an officer,	2 truth."
3 correct?	3 Do you recall this?
4 A. Yes, ma'am.	4 A. Yes, ma'am.
5 Q. So you all -- I'm sorry. Go ahead.	5 Q. And to your knowledge, 3.02 does relate to
6 A. I said it appears that way.	6 truthfulness in a police report that you draft; is that
7 Q. Okay.	7 correct, sir?
8 (Video played.)	8 A. Yes, ma'am.
9 BY MS. HOUSE:	9 Q. You did write a police report in this case,
10 Q. Okay. Can you please describe what's going on	10 correct?
11 here, Officer Tuli?	11 A. Yes, ma'am.
12 A. She ran towards the group of people who left and	12 Q. How many versions of your report did you submit?
13 to keep the peace, I physically restrained her and took	13 A. To supplement, just one.
14 her somewhere else.	14 Q. Okay. What is the difference between the
15 Q. All right. And I'm going to show you -- I'm	15 supplement and your original report, if you recall?
16 going to stop sharing my screen and from my -- the exhibit	16 A. The -- the handling officer, the officer who is
17 screen I want to show you SAPD policy, if you could look	17 the arresting officer, they'll have -- they'll write the
18 at that with me.	18 initial report and then all other officers, they'll
19 A. Okay.	19 document what they did on supplement reports.
20 Q. Okay. According to Section 200 of the Rules and	20 So since I was the victim of an assault, I
21 Regulations, I'm going to -- do you see this?	21 did not have the initial report responsibility. I had to
22 A. Yes, ma'am.	22 write my response on a supplement report.
23 Q. Okay. According to Section 200, what is this	23 Q. Okay. I'm going to show you then your reports.
24 called?	24 I'm going to stop sharing the screen -- actually, this is
25 A. Where your arrow is pointing? It's the General	25 fine.

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<p>1        Does this look familiar to you?</p> <p>2    A. Looks like a police report.</p> <p>3    Q. Okay. Whose police report is this?</p> <p>4    A. It's mine.</p> <p>5    Q. Okay. And how do you know?</p> <p>6    A. It has my name on it, has my badge.</p> <p>7    Q. Okay. So your name is on as the reporting officer; is that correct?</p> <p>8    A. For this supplement report, yes, ma'am.</p> <p>9    Q. Okay. One moment, sir. Sorry about that.</p> <p>10   A. You're fine.</p> <p>11   Q. I'm going to scroll down. And is this a report that you claimed at the beginning -- stated at the beginning, excuse me, sir, that you reviewed?</p> <p>12   A. Yes. I have read this, yes, ma'am.</p> <p>13   Q. Okay. Is this report a true and accurate reflection of the report you submitted as it relates to this incident?</p> <p>14   A. Yes, ma'am.</p> <p>15   Q. And at any point in time, did you believe that the information you initially reported was incorrect?</p> <p>16   A. No, ma'am.</p> <p>17   Q. Okay. So what you -- what we see today, this report, it is a true and accurate reflection of your side of the story, correct?</p>	Page 146	Page 148
<p>1    A. Yes, ma'am.</p> <p>2    Q. Okay. We're going to go to the -- about the fourth paragraph of your report. And actually, let's go to the second one.</p> <p>3        Can you read that full -- the big, actually</p> <p>4   third paragraph, where it says, "There was a lot of</p> <p>5   people"?</p> <p>6    A. Yes, ma'am. "There was a lot of people there,</p> <p>7   And 01 and another person were arguing" --</p> <p>8        THE REPORTER: Hang on. You can't read that</p> <p>9 fast.</p> <p>10       THE WITNESS: I'm sorry.</p> <p>11       "There was a lot of people there and 01 and</p> <p>12   another unknown person were arguing and it was clear</p> <p>13   a fight was about to occur. I told 01 multiple times</p> <p>14   to back away and calm down."</p> <p>15   BY MS. HOUSE:</p> <p>16   Q. Okay. I'm going to stop you there, Officer Tuli.</p> <p>17   Who is -- 01 is April Johnson, right?</p> <p>18   A. I believe so, yes, ma'am.</p> <p>19   Q. Okay. Now, based on what we've already saw this</p> <p>20   morning, when did you ever tell her to back away and calm</p> <p>21   down based on what we saw already?</p> <p>22   A. Yeah, so when we write reports, I didn't have --</p> <p>23   I wasn't able to go back and watch my body camera and</p>	Page 147	Page 149

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1 A. Yes, ma'am.	1 secured her and picked her up and carried her away.
2 Q. The disturbance April Johnson -- let me -- okay.	2 Q. Okay. So this would have been with --
3 And so when you state -- I'm going to show you a body	3 A. Like a bear hug kind of thing, if that's -- if
4 camera footage. I'm going to stop this screen. And --	4 that makes sense.
5 THE REPORTER: You're muted.	5 Q. Okay. So you bear-hugged her with -- it would
6 BY MS. HOUSE:	6 have been with two hands, and you said you would have
7 Q. Officer Tuli, I'm going to share with you	7 cupped her body with your arms around her body, correct, a
8 Officer Cavazos' body camera footage.	8 bear hug?
9 (Video played.)	9 A. Well, that's what -- if I could go off of what I
10 BY MS. HOUSE:	10 remember, that's what makes sense. If I'm going to grab
11 Q. Sir?	11 somebody and restrain them, I feel like I would grab them
12 A. Yes, ma'am.	12 from behind.
13 Q. This was on your body camera footage, correct?	13 Q. Okay. You would grab them from behind, and you
14 A. I thought this was Cavazos' body camera footage?	14 said it was a bear hug, right?
15 Q. Right, but the same -- the same occurrence with	15 A. No. I'm saying that that's what makes sense. If
16 you, it showed you?	16 I were to grab somebody right now, I would attempt to grab
17 A. Oh, yes, ma'am.	17 them in a bear hug kind of manner.
18 Q. Back up. This was on yours, correct?	18 Q. Okay. Did you grab her in a bear hug that day?
19 A. I'm sorry. I misunderstood you.	19 A. I can't remember. I grabbed -- I feel like I
20 Q. Sure. Actually, let me go back to your police	20 did. I grabbed her. I don't remember exactly how I
21 report for a little bit. I'm going to stop sharing my	21 grabbed her.
22 screen.	22 Q. Okay. If you would have grabbed her in a bear
23 Okay. Right here where it says, "01," can	23 hug, like you said, that making sense, would you have to
24 you please read where it says 01?	24 file a use-of-force -- fill out a use-of-force form for
25 A. Yeah. "01 was clearly going to fight the other	25 that bear hug?
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1 party so I pulled her away by grabbing her arm. She	1 A. No, ma'am.
2 pulled away from me in an attempt to charge the other	2 Q. Okay. So bear hugs aren't included in use of
3 person; so I grabbed her again by holding her arm and	3 force?
4 she pulled harder" --	4 A. No. What would be included in the use of force
5 THE REPORTER: Slow down.	5 is if somebody was injured.
6 THE WITNESS: Sorry. "So I grabbed her	6 Q. Okay.
7 again by holding her arm and she pulled away harder.	7 A. If -- if you went beyond open/empty hand
8 The best way for me to secure her was to wrap my arm	8 controls, so if I use, say, my fist or a secondary weapon,
9 around her and pull her away."	9 you know, like a baton or a TASER or pepper spray or if I
10 BY MS. HOUSE:	10 shot somebody or, let's say, you restrain somebody using
11 Q. Okay. I'm going to stop you there. So you tried	11 open/empty hands but they fall down and scrape their knee,
12 to, according to your statement you grabbed her one time.	12 then you would do a use-of-force report. But just in and
13 She attempted to pull away, and you then you grabbed her a	13 of itself, physically restraining somebody, you don't have
14 second time; is that correct?	14 to fill out a use-of-force report.
15 A. That's correct, yes, ma'am.	15 Q. If you choke someone, like you took your hands
16 Q. Okay. And then you said you wrapped your arm	16 and put them around their neck, would you have to fill out
17 around her. Where was your arm wrapped?	17 a use-of-force form for that?
18 A. Around your upper body area.	18 A. Well, that would be deadly force. You don't --
19 Q. Where in her upper body?	19 depends on the police department. We do not do chokes.
20 A. I don't know, her shoulder area, her upper body	20 Q. Okay. Thank you for -- thank you for providing
21 area, her upper torso.	21 that information.
22 Q. Her upper torso. Can you please -- I can't --	22 And these are policies and procedures --
23 let me -- if you could show pointing to your body where	23 this would be in the use-of-force policy section?
24 you would have wrapped your arm around.	24 A. Yes, ma'am.
25 A. Based on my memory, I would have grabbed her and	25 Q. Okay. Let me go ahead then, I'm going to switch

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1 then to the use of force. It's under section 501. You 2 all do have a use-of-force policy, so thank you for 3 bringing that up, sir. 4 A. Uh-huh. 5 Q. Do you see it on the screen? 6 A. Yes, ma'am. 7 Q. Okay. And so according to use of force, actually 8 .02 policy C, according to this policy, you are entitled 9 to -- requires officers to document use-of-force incident 10 on SAPD form number 62? 11 A. Yeah. That's old. We don't do that anymore. 12 Q. Okay, but this was the policy at the time? 13 A. Yes, ma'am. 14 Q. Okay. So you're saying since then it's -- the 15 documenting has changed, correct? 16 A. Yes, ma'am. 17 Q. But we don't have to go into that. Let's talk 18 about what it was then. 19 A. Okay. 20 Q. That night did you fill out any use-of-force 21 report as it relates to this incident? 22 A. Yes, ma'am. 23 Q. Okay. Who did you fill out a use-of-force report 24 for? 25 A. For A.N.E.R.	1 can go into open/empty hand control techniques, move on to 2 physical force, intermediate weapons and so on. 3 Q. Then D, it goes over -- it's itemized. And it 4 says, "An officer should consider the following factors 5 when assessing the need to use force." 6 Are you familiar with this list, sir? 7 A. Yes, ma'am. 8 Q. Has this list changed since then? 9 A. Not that I can recall, no. 10 Q. Okay. So it asks, "Is the suspect submitting 11 peacefully or resisting?" 12 Right? 13 A. Yes, ma'am. 14 Q. Did April Johnson resist when you tried to 15 restrain her? 16 A. Yeah. That's why I had to restrain her. 17 Q. What commands did you give her before restraining 18 her? 19 A. I told her to back away, not fight people, you 20 know, normal commands that you would give people when 21 things are about to get out of control. 22 Q. And in number 2, it says, "Was the suspect 23 armed?" 24 She wasn't armed, right? 25 A. Not that I recall, no, ma'am.
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1 Q. Did you fill out a report for anyone else? 2 A. No, ma'am. 3 Q. So you told me -- and you stated -- we're going 4 to go down to -- scroll down to application of force and 5 under B -- actually, there's a chart, correct? 6 A. Yes, ma'am. 7 Q. And in this chart it explains your perception of 8 suspect's action, and it kind of goes over the -- 9 actually, you tell me -- these are perception of, I 10 guess -- you tell me what this chart is, actually. Go 11 ahead explain it. 12 A. This is the use-of-force continuum. Any time 13 there's any kind of force that's used, whether it be just 14 police presence or whatever, this is the -- how do you say 15 it? This would be kind of a general guide. If we're 16 going to use force, we would use it in this order, but 17 that doesn't mean you can't go from, just say, mere 18 officer's presence to suddenly deadly force. 19 For example, I show up, everybody is calm 20 and then a guy suddenly pulls a gun and shoots my partner 21 in the face. Obviously, I would use deadly force at that 22 point. But, by and large, we try to use this as a guide 23 on how our steps progress in the force continuum. 24 So it starts off with officer's presence, 25 and then it starts off with verbal commands. And then it	1 Q. Three, "What is the nature of the crime?" 2 What was the nature of the crime at that 3 point? 4 A. Well, at this point it was about to turn into a 5 -- it could have been a riot. It was disorderly conduct 6 at minimal, but it was danger- -- it was about to -- from 7 what I understand, it seemed like it was going down the 8 route of immediate offense for a riot. 9 Q. Okay. And it seems like -- but at that time what 10 crime did you observe at that time? Not about what it was 11 going to be, what did you observe? 12 A. Yes, ma'am. Like I said, disorderly conduct. 13 Q. But was it just from April Johnson? 14 A. No, it was from everyone. April Johnson is the 15 only one I had to restrain though, but it was from 16 everyone though. 17 Q. It was -- I'm sorry. 18 A. You're fine. 19 Q. So it's your testimony at the time you gave your 20 command, April Johnson was the only one in that crowd that 21 didn't follow your command to quiet down? 22 A. Well, not necessarily quiet down, but definitely 23 not escalate things for sure, yes, ma'am. 24 Q. Okay. Number four says, "Does the suspect have a 25 previous arrest record or history showing violence?"

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<p style="text-align: right;">Page 158</p> <p>1            You didn't know that at the time, right?</p> <p>2    A. Correct.</p> <p>3    Q. Okay. Number five says, "Number of suspects</p> <p>4 involved?"</p> <p>5            How many people were in that crowd that she</p> <p>6 was in?</p> <p>7    A. Like I guessed earlier, if I were to guess,</p> <p>8 there's 50 to 60 people easily.</p> <p>9    Q. There were 50 to 60 people in that particular</p> <p>10 crowd where April Johnson was?</p> <p>11   A. What do you mean -- I'm a little confused at what</p> <p>12 you're asking.</p> <p>13   Q. You pulled April Johnson away from another group</p> <p>14 of people, correct?</p> <p>15   A. Oh, yes. She was -- she went towards a crowd</p> <p>16 to -- a group, I don't know, again, based off of just what</p> <p>17 I remember, I would -- if I were to guess, a crowd of 10</p> <p>18 people, give or take.</p> <p>19   Q. Okay. And how much support from officers were</p> <p>20 available at this point on the ground?</p> <p>21   A. We had a good amount of officers there.</p> <p>22   Q. Okay. Was there anyone there that could have</p> <p>23 assisted you at that time?</p> <p>24   A. What do you mean? Assisted me in doing what?</p> <p>25   Q. Restraining April Johnson or helping quiet the</p>	<p style="text-align: right;">Page 160</p> <p>1    her, I mean, I didn't. How would I know if I choked her?</p> <p>2    I don't know, she might have passed out. I didn't choke</p> <p>3 her though.</p> <p>4    Q. Okay. So what did you do because I'm a little</p> <p>5 bit unclear as to what you did. What did you -- how did</p> <p>6 you remove her from the scene?</p> <p>7    A. I grabbed her and I walked her to the other side</p> <p>8 of my car and I let her go and I calmed her down. And we</p> <p>9 brought her children over to her and she further calmed</p> <p>10 down.</p> <p>11   And then her 13- or 14-year-old son came</p> <p>12 over and wanted to fight me. He took his shirt off. He</p> <p>13 threatened to kill me. You can hear somebody --</p> <p>14   Q. I'm going to -- I'm not there yet, Officer Tuli.</p> <p>15   How did you grab her? Because I'm a little bit unclear as</p> <p>16 to how you grabbed her that night. How did you grab her?</p> <p>17   A. Wrapped my arm around her and physically carried</p> <p>18 her away from there.</p> <p>19   Q. Okay. And specifically where on her body did you</p> <p>20 wrap your arm around?</p> <p>21   A. Her upper area, her upper torso area.</p> <p>22   Q. Okay. So when you say "torso," that would be</p> <p>23 below the neck down?</p> <p>24   A. Her upper body. I don't know where you're going</p> <p>25 with this.</p>
<p style="text-align: right;">Page 159</p> <p>1    crowd down?</p> <p>2    A. Yeah. It's -- it seems like I had April</p> <p>3 physically under my own control. I'm a lot stronger than</p> <p>4 her, so I had her physically under control, but the rest</p> <p>5 of the crowd -- when I grabbed April Johnson, the rest of</p> <p>6 the crowd became extremely agitated and the other officers</p> <p>7 did what officers do.</p> <p>8    Q. If you grabbed her in a choke hold, would you</p> <p>9 have had to report that, fill out a use-of-force form?</p> <p>10   A. Yes, I would assume so. Yes, ma'am.</p> <p>11   Q. Okay. If you put your -- and I'm just giving</p> <p>12 examples, hypotheticals because I don't know, okay?</p> <p>13       If you had your arm around her neck --</p> <p>14   A. Uh-huh.</p> <p>15   Q. -- and would you have to have reported that?</p> <p>16   A. Not if I wasn't choking her, no. No, ma'am.</p> <p>17   Q. Okay. How would you know though if you were</p> <p>18 choking her?</p> <p>19   A. What do you -- did she say I choked her?</p> <p>20   Q. No. Sir, I -- I'm asking the questions, so I --</p> <p>21 I don't know, right? I don't know -- I'm not in the</p> <p>22 position to answer questions, right, like that. So if</p> <p>23 you're unclear to what I'm asking, I can clarify my</p> <p>24 question.</p> <p>25   A. Would I know if I choked her? I didn't choke</p>	<p style="text-align: right;">Page 161</p> <p>1    Q. I don't know what upper torso means. I'm just</p> <p>2 trying to understand, I'm sorry.</p> <p>3    A. Have you ever grabbed somebody from behind? You</p> <p>4 just grab them. I don't know how else to describe that.</p> <p>5    Q. Sir --</p> <p>6    A. The way I wrote it in my report is I wrapped my</p> <p>7 arms around her and carried her away.</p> <p>8    Q. But your report fails to state where you wrapped</p> <p>9 your arms around. Where did you wrap your arms around?</p> <p>10   A. Her upper body. I grabbed her. I don't know how</p> <p>11 else to answer that.</p> <p>12   Q. Where in her upper body?</p> <p>13   A. Her upper body. I don't know what you're asking.</p> <p>14   MR. FRIGERIO: Objection. It's been asked</p> <p>15 and answered multiple times.</p> <p>16 BY MS. HOUSE:</p> <p>17   Q. Sir, did you grab her on her shoulder area?</p> <p>18   A. Not that I recall, no.</p> <p>19   Q. Okay. Would it have been -- would you grab her</p> <p>20 below or above her shoulders?</p> <p>21   A. I would assume below her shoulders.</p> <p>22   Q. Thank you. That just clarifies. Thank you.</p> <p>23   A. Okay. You're welcome.</p> <p>24   Q. I'm going to show you Officer Cavazos' body worn</p> <p>25 camera video.</p>

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<p>1 (Video played.)</p> <p>2 BY MS. HOUSE:</p> <p>3 Q. Officer Tuli, do you see yourself in this image, 4 sir?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Where is your arm?</p> <p>7 A. Looks like it's right above her shoulders.</p> <p>8 Q. Okay. Yeah. Your arm is wrapped around her 9 neck, isn't it?</p> <p>10 A. Sure. Yes, ma'am.</p> <p>11 Q. Okay. And you are dragging her away, correct?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay. Based on that hold, do you believe you 14 should have filled out a use-of-force report for that 15 particular contact?</p> <p>16 A. No, not at all. No. My intention was to grab 17 her and restrain her. If my arm landed around her neck, 18 that's her fault. That's not my fault. She is the one 19 pulling away and that is absolutely not my fault. And 20 furthermore, no, I wouldn't do a use-of-force regardless 21 because she's not injured. I didn't make an arrest. I 22 just broke up a fight.</p> <p>23 Q. I'm going to show you the video again.</p> <p>24 A. Okay.</p> <p>25 Q. And, sir, as you can see before --</p>	Page 162	Page 164
<p>1 (Video played.)</p> <p>2 BY MS. HOUSE:</p> <p>3 Q. -- there are a lot of officers standing around, 4 correct?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. To be fair, Officer Tuli, you probably were doing 7 the most in this instance out of any other officer to try 8 to -- as you interacted with people on the scene; is that 9 fair to say?</p> <p>10 A. I don't know what the other officers were doing, 11 but I'm a pretty outgoing guy, if that's what you mean.</p> <p>12 Q. Okay.</p> <p>13 (Video played.)</p> <p>14 BY MS. HOUSE:</p> <p>15 Q. How many officers would you say around here do 16 you see standing around?</p> <p>17 A. Oh, what did we guess earlier, eight or nine 18 officers.</p> <p>19 Q. Right now though in this scene?</p> <p>20 A. I can see one officer.</p> <p>21 (Video played.)</p> <p>22 BY MS. HOUSE:</p> <p>23 Q. Okay. How many do you see, sir?</p> <p>24 A. Yeah. Like I said, we were all there. I guessed 25 earlier eight or nine.</p>	Page 163	Page 165
		<p>1 MR. FRIGERIO: (Inaudible).</p> <p>2 THE REPORTER: Hang on. I'm sorry. Y'all 3 were all talking at the same time.</p> <p>4 Go ahead, Mr. Frigerio.</p> <p>5 MR. FRIGERIO: Objection to 6 mischaracterization of the video. The video speaks for 7 itself.</p> <p>8 BY MS. HOUSE:</p> <p>9 Q. Officer Tuli, I want you to look at the video and 10 see where your arm goes.</p> <p>11 (Video played.)</p> <p>12 BY MS. HOUSE:</p> <p>13 Q. Okay. As soon as you do it, what do you hear?</p> <p>14 A. The crowd get upset.</p> <p>15 Q. Okay. They're saying ooh, aren't they?</p> <p>16 A. Yes, ma'am.</p> <p>17 (Video played.)</p> <p>18 BY MS. HOUSE:</p> <p>19 Q. What else do you hear?</p> <p>20 A. I hear kids screaming.</p> <p>21 (Video played.)</p> <p>22 BY MS. HOUSE:</p> <p>23 Q. Officer Tuli, they're screaming because of your 24 actions, aren't they?</p> <p>25 A. They're screaming because of their mom's actions.</p>

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1 Q. What did their mom do at that moment that would 2 cause them to scream, sir?	1 to be upset, that they saw their mother being restrained 2 like that?
3 A. Attack somebody and have to be restrained by the 4 police.	3 A. Like I said, I've seen my mom restrained like 4 that --
5 Q. Your body camera didn't show that because it 6 became dislodged, didn't it?	5 MR. FRIGERIO: Objection; calls for 6 speculation.
7 A. Yes, ma'am. I do believe so.	7 MR. URBIS: Objection; calls for 8 speculation.
8 Q. What we do see is your arm around her neck, yes?	9 MS. RODRIGUEZ: Same.
9 A. Yeah. We see her attacking somebody after being 10 told to not attack people. The entire crowd was --	10 BY MS. HOUSE:
11 Q. Where did you see someone attacking anyone?	11 Q. I'm going to go back to your body camera footage.
12 A. She ran directly in front of me to go towards the 13 crowd screaming, "I want them. I want them."	12 A. Yes, ma'am.
14 Q. Was that an attack, sir?	13 Q. And I want to be clear, at that point no one 14 still told anyone to go home. We've already went over 15 that several times, correct?
15 A. I would -- I would say it was definitely an 16 attack, an act of aggression, yes, ma'am.	16 A. Yes, ma'am. I think at that point though it was 17 pretty obvious to both police officers and the crowd that 18 it was time to dismiss, for the crowd to disperse. It was 19 pretty obvious.
17 (Video played.)	20 (Played video.)
18 BY MS. HOUSE:	21 THE WITNESS: I can't see anything.
19 Q. It wasn't in your police report -- what type of 20 hold is that? How would you -- what would you describe 21 that? That's a choke hold, right?	22 BY MS. HOUSE:
22 A. No, ma'am.	23 Q. What do you see?
23 Q. What type of hold is that?	24 A. I can't see anything.
24 A. Again, I grabbed her. That's just a grab. It's 25 not a choke hold. A choke hold would involve me	25 Q. Okay. Let me share the screen.
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1 intentionally and knowingly cutting off her blood flow to 2 her brain or her oxygen supply. I didn't do any of that. 3 That was me grabbing her.	1 I want you to listen to what you said. 2 (Video played.)
4 Q. How many --	3 BY MS. HOUSE:
5 A. No one else had to be grabbed.	4 Q. How many times did you give her a command?
6 Q. Okay. And you're only using though one arm in 7 order to handle her, right?	5 A. I don't know. I just heard say, "Come here."
8 A. I say kudos to me, yes, ma'am.	6 Q. You didn't hear yourself say, "Knock it the fuck 7 off"?
9 Q. I'm now going to show you -- I'm going to keep 10 playing the video.	8 A. No, I didn't. If you want to rewind it -- I'm 9 not saying I didn't say that. I probably said that. That 10 sounds like something I would say, but --
11 (Video played.)	11 Q. I'll rewind. 12 (Video played.)
12 BY MS. HOUSE:	13 BY MS. HOUSE:
13 Q. Okay. If you saw your mom being handled like 14 that, how would that make you feel?	14 Q. Did you hear yourself say, "Knock it the fuck 15 off"?
15 A. I have seen my mom handled like that. It's not 16 comfortable, but my mom shouldn't try to fight people.	16 A. Yes, ma'am, I did.
17 Q. What do you mean it's not comfortable?	17 Q. Then what did you say?
18 A. It's not comfortable. No one likes to see their 19 mom get arrested or get detained. It's not comfortable, 20 but if my mom was acting inappropriately or trying to 21 attack someone and the police had to restrain her, I think 22 -- I think it's warranted. I mean, I don't know if I 23 would scream and cry and try to further attack the police.	18 A. "Come here."
24 I don't know if I would do that.	19 Q. Okay. And then as soon as you said, "Come here," 20 you said it in an aggressive manner, correct?
25 Q. Do you believe that it would be natural for kids	21 A. I said it. 22 Q. In an aggressive tone?
	23 A. I think it's very clear that the only people 24 being aggressive is everyone here. You can hear somebody 25 if you rewind what you just said --

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Page 170	Page 172
1 Q. Sir, I'm only asking you -- 2 MS. HOUSE: Objection; nonresponsive. 3 BY MS. HOUSE: 4 Q. I'm only asking you about your tone, okay? 5 A. And I'm -- 6 Q. How would you describe your tone? 7 A. I was not aggressive. The only people that were 8 aggressive were people -- Ms. Johnson, and you can hear 9 somebody else yelling, "Hey (Redacted), calm down, calm 10 down." I was not aggressive. 11 Q. Okay. When you said, "Come here," what did you 12 do, sir? 13 A. I grabbed her and I broke up a fight. 14 Q. That's when you grabbed her neck. You said, 15 "Come here." I want you to listen to your tone of voice 16 change. 17 (Video played.) 18 BY MS. HOUSE: 19 Q. You were agitated at that point, weren't you? 20 A. Negative, ma'am. 21 MR. FRIGERIO: Objection; form. 22 MR. URBIS: Objection; argumentative. Asked 23 and answered. 24 BY MS. HOUSE: 25 Q. Sir, yes or no?	1 BY MS. HOUSE: 2 Q. Who are you telling "Stop it" to? 3 A. April Johnson, ma'am. 4 Q. Okay. And why are you telling her to stop it? 5 A. Because she's trying to pull away from me to go 6 and fight people. 7 Q. How do you know she was pulling away from you to 8 go fight people? 9 A. How do you know she wasn't? 10 Q. Sir, my question to you is how do you know -- 11 A. I was there. I saw her -- 12 Q. -- she was pulling away to fight? 13 THE REPORTER: Hang on. You're both talking 14 at the same time. I can only get one voice. 15 THE WITNESS: Sorry, ma'am. 16 I was there. I saw her try to fight people 17 multiple times. 18 BY MS. HOUSE: 19 Q. But, sir, you're dragging her away. You saw 20 that, correct? 21 A. Yes, ma'am. 22 Q. She's only being dragged in the direction that 23 you are taking her, right? 24 A. Because she's pulling away to go back the other 25 direction.
1 A. No, ma'am. 2 MR. URBIS: Same objection. 3 MS. RODRIGUEZ: Same objection. 4 BY MS. HOUSE: 5 Q. You were mad because she wasn't listening to you, 6 right? 7 MR. URBIS: Objection; calls for 8 speculation. 9 MS. RODRIGUEZ: Objection; same. 10 BY MS. HOUSE: 11 Q. Sir, I'm asking about why you were mad. So, 12 Officer Tuli, you were mad because she wasn't -- you felt 13 you weren't being listened to, right? 14 A. (Inaudible). 15 MS. RODRIGUEZ: Objection. 16 THE REPORTER: I didn't hear your answer. 17 THE WITNESS: I said no. I was not mad at 18 all. 19 BY MS. HOUSE: 20 Q. How were you feeling at this moment? 21 A. Not mad. 22 Q. What were you feeling? 23 A. Like I needed to get this call done. 24 Q. I'm going to keep playing. 25 (Video played.)	1 Q. Sir, could it be that she's pulling away to get 2 her neck out of your arm? 3 A. I wouldn't have had my arms around her in the 4 first place if she wouldn't try to fight people. 5 Q. What -- she wasn't saying anything during this 6 time, right? 7 A. Not that I can recall. I don't know. 8 Q. But your body camera only picks up you saying 9 something and the screams in the background, right? 10 A. Sure. 11 Q. It doesn't pick up April Johnson saying anything; 12 is that true? 13 MR. FRIGERIO: Objection; form. That's -- 14 it's inaccurate of the record. You can hear her clearly 15 speaking. 16 MR. URBIS: Join the objection. 17 BY MS. HOUSE: 18 Q. Okay. I'll rewind and I want to you to tell 19 me -- and I don't want your attorney to say it. You tell 20 me what April Johnson is saying as her neck is in your 21 arm. 22 MR. URBIS: Objection; asked and answered. 23 MS. RODRIGUEZ: Same. 24 (Video played.) 25 //

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<p style="text-align: right;">Page 174</p> <p>1 BY MS. HOUSE:</p> <p>2 Q. What did you hear April Johnson say?</p> <p>3 A. There's a lot of stuff. I can't make out what</p> <p>4 anybody is saying at that point except me.</p> <p>5 Q. What did you hear April Johnson saying?</p> <p>6 MR. FRIGERIO: Objection --</p> <p>7 MR. URBIS: Objection; asked and answered.</p> <p>8 THE WITNESS: I couldn't make out what</p> <p>9 anybody was saying except myself. It sounds like I was</p> <p>10 saying, "Stop it, stop it, stop it."</p> <p>11 (Video played.)</p> <p>12 BY MS. HOUSE:</p> <p>13 Q. At this point, is this where your body camera</p> <p>14 became dislodged?</p> <p>15 A. Yes, ma'am. And just to be clear, I can hear her</p> <p>16 at that point, "Get my daughter, get my daughter."</p> <p>17 Q. Do you know at that point whether or not your</p> <p>18 neck -- your arm was still around her neck?</p> <p>19 A. I carried her all the way to the other side of my</p> <p>20 car; so probably -- I probably still had a hold on her.</p> <p>21 Q. But where your body camera dislodged, it wasn't</p> <p>22 on the other side of your car; is that correct?</p> <p>23 A. I don't remember. I don't know where my body</p> <p>24 camera fell off.</p> <p>25 Q. Who picks up -- Officer Stopper picks up your</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Sir, I'm just asking you what you hear on the</p> <p>2 video.</p> <p>3 A. I hear a lot of yelling. That's what I hear.</p> <p>4 (Video played.)</p> <p>5 BY MS. HOUSE:</p> <p>6 Q. Did you hear that? "You literally" --</p> <p>7 A. Yes.</p> <p>8 Q. Okay. It didn't take a bystander to tell the</p> <p>9 officers that they have to get people out of there; is</p> <p>10 that correct? Is that fair to say?</p> <p>11 MR. FRIGERIO: Object to form.</p> <p>12 BY MS. HOUSE:</p> <p>13 Q. Sir?</p> <p>14 A. I don't know who she's talking to.</p> <p>15 (Video played.)</p> <p>16 BY MS. HOUSE:</p> <p>17 Q. Okay. Who do you see right here?</p> <p>18 A. I'm assuming that's Ms. Johnson.</p> <p>19 Q. Yes. What do you hear Officer Stopper tell her</p> <p>20 to do?</p> <p>21 A. I didn't make out what he said.</p> <p>22 (Video played.)</p> <p>23 BY MS. HOUSE:</p> <p>24 Q. What do you hear her telling her kids to do?</p> <p>25 A. I don't know. "Go to the car." That's what it</p>
<p style="text-align: right;">Page 175</p> <p>1 body camera, right?</p> <p>2 A. If I remember correctly, yes.</p> <p>3 (Video played.)</p> <p>4 BY MS. HOUSE:</p> <p>5 Q. Did you hear what was said in the background?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Okay. I'm going to play it again.</p> <p>8 A. Okay.</p> <p>9 (Video played.)</p> <p>10 BY MS. HOUSE:</p> <p>11 Q. "You literally have to get people out of here."</p> <p>12 You heard that, right?</p> <p>13 A. I don't -- I couldn't make -- again, I'm trying</p> <p>14 but --</p> <p>15 Q. Is that -- does this -- okay.</p> <p>16 A. Sure.</p> <p>17 Q. Is that because -- well, you're saying "sure,"</p> <p>18 but I want to understand if you can hear or not.</p> <p>19 Have you been having any problems hearing</p> <p>20 any of the video as a result of your disability?</p> <p>21 A. No, no, it's not that. It's, you know,</p> <p>22 everything is happening so fast, I can't -- I mean, if</p> <p>23 somebody said, "You literally have to get people out of</p> <p>24 here," okay, I'll take your word for it. I have no</p> <p>25 problem with that being said.</p>	<p style="text-align: right;">Page 177</p> <p>1 sounds like.</p> <p>2 Q. Yes, sir.</p> <p>3 A. "Go to the car" or "go get the car," something</p> <p>4 like that.</p> <p>5 Q. Said, "Go to the car." You said it right first,</p> <p>6 "Go to the car," right? Okay.</p> <p>7 (Video played.)</p> <p>8 BY MS. HOUSE:</p> <p>9 Q. What -- she said she's going to go get her son.</p> <p>10 Did you hear that?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Okay.</p> <p>13 (Video played.)</p> <p>14 BY MS. HOUSE:</p> <p>15 Q. You see April Johnson here?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Where are you at this point?</p> <p>18 A. I can't tell. I don't know.</p> <p>19 Q. Okay. April Johnson didn't escape from you once</p> <p>20 you dragged her off, right?</p> <p>21 A. Yeah. I never said she did.</p> <p>22 Q. Okay. How did she end up out of your care,</p> <p>23 custody and control?</p> <p>24 A. I let her go so she can calm down. And she did</p> <p>25 calm down. I took her away from the crowd that she wanted</p>

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<p style="text-align: right;">Page 178</p> <p>1 to fight. She calmed down. She screamed for her kids.  2 We brought her kids over. Her son with no shirt wanted to  3 fight me, threatened to kill me.  4 Q. Sir, I'm only -- I'm asking a specific question.  5 I just asked how she got here, okay?  6 A. Yeah, but she wasn't under arrest. My intention  7 was never to arrest her. My intention was to keep her  8 from fighting people and she calmed down.  9 (Video played.)  10 BY MS. HOUSE:  11 Q. Okay. She told you all that she was going to go  12 get her son. That was her son on the ground, right?  13 A. I don't know. I think so.  14 Q. Okay. And her son is a juvenile, correct?  15 A. Yes, ma'am.  16 Q. In fact, all of her kids there were juveniles,  17 right?  18 A. Yes, ma'am.  19 Q. I'm going to show you Section 611 of the  20 San Antonio Police Department policy, Mentally Ill  21 Persons. Are you familiar with this section?  22 A. Yes, ma'am.  23 Q. I'm also going to show you -- did you ever review  24 procedures on juvenile persons?  25 A. Well, yes, ma'am.</p>	<p style="text-align: right;">Page 180</p> <p>1 correct?  2 A. I don't remember. Does he? I don't know. I  3 can't remember.  4 Q. Okay. I'm going to show you body camera --  5 (Pause in proceedings.)  6 BY MS. HOUSE:  7 Q. Officer Tuli, I'm showing you your body camera  8 footage, okay?  9 A. Yes, ma'am.  10 Q. At this time you have your body camera footage?  11 A. Okay.  12 Q. And you see April Johnson, correct?  13 A. Yes, ma'am.  14 Q. Do you recall this interaction?  15 A. No. This looks like a still frame. I don't  16 necessarily know, no.  17 Q. I'm going to play it for you to refresh your  18 memory.  19 A. Okay.  20 (Video played.)  21 BY MS. HOUSE:  22 Q. Who is talking?  23 A. Sounds like me.  24 Q. That's your voice, yes, sir.  25 (Video played.)</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. Okay. In the course of your procedures, do you  2 ever ascertain as to whether or not the child's present --  3 the child's parents are present on the scene?  4 A. It depends on what's going on, but yes.  5 Q. Okay. And under mentally ill persons, on .08,  6 course of action, are you familiar with this section?  7 A. Yes, ma'am.  8 Q. Okay. And this child is a youth under the age of  9 17, right?  10 A. Yes, ma'am.  11 Q. At that time did you know as to whether or not he  12 had a mental illness?  13 A. I don't think so.  14 Q. Did you ever take the time to ask if the child  15 had a mental illness?  16 A. Not that I recall, no, ma'am.  17 Q. Did you give the mom an opportunity to tell you  18 that the child had a mental illness?  19 A. I don't recall -- I recall him attacking or  20 trying to attack me and Mom yelling at him to stop.  21 Q. Sir, do you recall giving Mom the opportunity to  22 tell you he had a mental illness?  23 A. I don't know if that was an appropriate time to  24 ask about mental illnesses. I don't know.  25 Q. But she did tell you he had mental illnesses,</p>	<p style="text-align: right;">Page 181</p> <p>1 BY MS. HOUSE:  2 Q. Okay. Officer Tuli, that's caught on your  3 camera.  4 A. Okay.  5 Q. Do you recall now hearing that, sir?  6 A. I'm listening to it but, I mean, you don't expect  7 me to remember every single conversation I had that night.  8 That was almost four years ago.  9 Q. Sir, she told -- your body camera caught it and  10 you were present where she told you about the mental  11 illnesses for her child, correct, according to this  12 footage?  13 A. Yes, but --  14 Q. In fact, that night --  15 A. You're asking -- you're asking me if I recall it.  16 No, I don't recall that.  17 Q. At that night you all did end up booking the son,  18 correct?  19 A. Correct.  20 Q. I'm going to ask the court reporter to give me a  21 time. Where are we as to actual deposition testimony?  22 THE REPORTER: You have four hours and  23 20 minutes in. Probably minus 10 minutes for the first  24 break.  25 MS. HOUSE: Okay.</p>

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<p>1 BY MS. HOUSE: Page 182</p> <p>2 Q. I'm going to go back to your body camera footage.</p> <p>3 (Video played.)</p> <p>4 BY MS. HOUSE:</p> <p>5 Q. At this time, Officer Stopper still has your body</p> <p>6 camera?</p> <p>7 A. Okay.</p> <p>8 (Video played.)</p> <p>9 BY MS. HOUSE:</p> <p>10 Q. So the young boy is in custody of Officer</p> <p>11 Stopper, correct?</p> <p>12 A. Apparently.</p> <p>13 Q. Well, that's who has your body camera, right?</p> <p>14 A. Is he with Stopper right now?</p> <p>15 Q. Okay, sir --</p> <p>16 A. In this part -- I don't know. I don't see the</p> <p>17 boy. I saw somebody and then -- that's why I'm asking.</p> <p>18 Q. I'll keep playing?</p> <p>19 A. If he's with Stopper right now then sure, yeah.</p> <p>20 Q. I'll keep playing so that you see this.</p> <p>21 (Video played.)</p> <p>22 BY MS. HOUSE:</p> <p>23 Q. Actually, I'm going to fast-forward too.</p> <p>24 (Video played.)</p> <p>25 //</p>	<p>1 interacting with this child at this point?</p> <p>2 A. I can't remember. Probably to see if he was</p> <p>3 going to jail or not. He came up and he made threats on a</p> <p>4 police officer. It was probably just to see if I was</p> <p>5 going to take him to jail or not.</p> <p>6 Q. He was in the custody of Officer Stopper, wasn't</p> <p>7 he?</p> <p>8 A. Yeah, people -- you arrest people all the time</p> <p>9 and they go to different officers' cars and different sets</p> <p>10 of handcuffs get taken out and Officer Stopper could have</p> <p>11 been going home early. Who knows. I have no idea.</p> <p>12 Q. Officer Tuli, I'm going to go back to your police</p> <p>13 report.</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. In your police report, and I'm going to</p> <p>16 show you, it states, "As she pulled" -- and this is back</p> <p>17 to April Johnson.</p> <p>18 "As she pulled away harder, the best way for</p> <p>19 me to secure her was to wrap my arm around her and pull</p> <p>20 her away."</p> <p>21 And you did this, correct? You wrapped your</p> <p>22 arm around -- above her shoulder, correct?</p> <p>23 A. Sure. Yes, ma'am.</p> <p>24 Q. Okay. "As I pulled her away, the crowd began to</p> <p>25 scream and yell at me, and April Johnson's 13-year-old son</p>
<p>1 BY MS. HOUSE: Page 183</p> <p>2 Q. That's your voice saying you found your body</p> <p>3 camera, correct?</p> <p>4 A. Sure.</p> <p>5 Q. Yes or no, sir?</p> <p>6 A. I'm sorry. Yes, ma'am.</p> <p>7 Q. Okay.</p> <p>8 (Video played.)</p> <p>9 BY MS. HOUSE:</p> <p>10 Q. Sir, you're talking very fast here, aren't you?</p> <p>11 A. I don't know. I feel like that's my normal</p> <p>12 voice, but okay.</p> <p>13 Q. Sir, are you? Yes or no?</p> <p>14 A. Am I talking really fast? I feel like I always</p> <p>15 talk like that.</p> <p>16 MR. FRIGERIO: Form of the question.</p> <p>17 BY MS. HOUSE:</p> <p>18 Q. I'm going to keep playing.</p> <p>19 (Video played.)</p> <p>20 BY MS. HOUSE:</p> <p>21 Q. How would you describe your tone?</p> <p>22 A. I'm stern. I'm being stern.</p> <p>23 (Video played.)</p> <p>24 BY MS. HOUSE:</p> <p>25 Q. Officer Tuli, what was the purpose of you</p>	<p>1 began to ball his fist at me and challenge me to a fight."</p> <p>2 Is that what you stated?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. You said, "She kept screaming and saying I</p> <p>5 want my daughter."</p> <p>6 Is that what you stated?</p> <p>7 A. Did I write that in the report or did I say it</p> <p>8 because we heard her say that?</p> <p>9 Q. I'm sorry. Do you see the report in front of</p> <p>10 you?</p> <p>11 A. Yeah. I was trying to catch up to where you were</p> <p>12 reading. I was trying to figure out where you were</p> <p>13 reading from.</p> <p>14 Q. Oh, okay. I'm going to place the mouse where</p> <p>15 it's reading. Do you see the mouse, if you can?</p> <p>16 A. Yeah. There it is. I see it.</p> <p>17 Q. Okay. So --</p> <p>18 A. Oh, yeah, I see what you're talking about. "I</p> <p>19 just want my daughter." Yeah.</p> <p>20 Q. Okay. I'm going to skip to -- let's see.</p> <p>21 "As I was talking to 01," do you see that?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. "As I was talking to 01, I observed a large fight</p> <p>24 where J1 and AP1 were involved."</p> <p>25 So I'm -- one of these is A.N.E.R., correct?</p>

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1 A. AP1 would be, yes, ma'am.	1 A. I don't know if I would call it advancements --
2 Q. Okay. And J1 is April Johnson's son?	2 Q. Okay.
3 A. Yeah. The -- what is it called, the legend or	3 A. -- but yeah, cameras are better. Cameras are
4 the key of all these different names, they're normally on	4 better because they're more -- they're more user friendly.
5 the reporting person's report, but I would assume J1 is	5 Q. Understood. And you understand that there's a
6 the 13-year-old.	6 reliance on your police report for it to be accurate; is
7 Q. "And I walked over to the fight and began to	7 that fair to say?
8 break it up."	8 A. Yes, ma'am.
9 So you're saying April Johnson's daughter	9 Q. Because based on what you say, people can end up
10 and son, they were fighting. You went over to break it	10 going to jail, correct?
11 up, right?	11 A. I know. Right.
12 A. Yes, ma'am.	12 Q. Okay. And based on what you say, those
13 Q. You said, "At that point, AP1" -- and that is	13 penalties, if they are true, could be severe; is that fair
14 A.N.E.R., "was yelling and instigating a fight."	14 to say?
15 Correct?	15 A. Yes, ma'am.
16 A. Uh-huh.	16 Q. All right. So you're saying you didn't have the
17 Q. And you told her to back away, right?	17 body camera footage, so you're relying strictly on memory,
18 A. Yes, ma'am.	18 correct?
19 Q. You said she closed distance on you, right?	19 A. I wrote my report based on how I remembered the
20 A. Yes, ma'am.	20 facts that night.
21 Q. You pushed her back lightly, right?	21 Q. Okay. But all of the reports that you have
22 A. Yes, ma'am.	22 written in your career up until this point were always
23 Q. And "She took a bladed stance." Correct? That's	23 based on the facts as you remembered it at that time; is
24 what you said?	24 that correct?
25 A. Uh-huh.	25 A. I would -- they're at least close to all of them.
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1 Q. You stated, "She balled her fist up and struck me	1 Like I said, sometimes you can watch body camera footage
2 in the face with a closed fist." Correct?	2 and stuff, but by and large no, you can't, so ...
3 A. Yes, ma'am.	3 Q. So they're all really based on generally, for the
4 Q. And "she called me a white motherfucker." Is	4 most part, your memory, right?
5 that correct?	5 A. Yes, ma'am.
6 A. Yes, ma'am.	6 Q. Have you before this ever gotten it wrong where
7 Q. Okay. You told me that this statement was true,	7 -- has your memory ever failed you?
8 right?	8 A. Everyone's memory fails them.
9 A. Yes, ma'am.	9 Q. In this instance, did your memory fail you?
10 Q. Okay. You also stated that -- you said earlier I	10 A. Not at all.
11 didn't -- I didn't -- when I wrote this statement I didn't	11 Q. Okay. Well, I want to go over -- I'm going to
12 review, and correct me if I'm wrong, any of the video	12 play a video for you. One moment, okay?
13 footage. Was that your statement?	13 (Video played.)
14 A. Yes, ma'am. You don't normally -- you can't	14 BY MS. HOUSE:
15 really see the video footage until it goes to Internal	15 Q. As soon as April Johnson came over where her son
16 Affairs or until it uploads.	16 was on the ground, can you tell me in your words what
17 Q. Okay. So you don't see the video footage before	17 happened?
18 writing a police report; is that correct?	18 A. To be honest, I don't know if I was paying
19 A. In general, yes, ma'am. There's -- we got new	19 attention to April Johnson anymore. I don't remember.
20 body cameras. Now you can -- you can watch a -- you can	20 Q. You don't remember?
21 watch a video if you have the docking station or whatever,	21 A. Yeah. I don't know if I was paying attention to
22 but in general, no, you don't watch the video before you	22 her anymore. You're talking about the video clip where we
23 write the report.	23 just saw her -- where her son is laying on the ground and
24 Q. That's fair. So because there's been	24 there's a bunch of people standing around?
25 advancements in technology since then, right?	25 Q. Yes, sir.

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1 A. Yeah. I don't -- to be honest, I don't know if I 2 was paying attention to April Johnson anymore at that 3 point. I don't know what was going on. 4 Q. Okay. I'm going to show you a clip. One moment, 5 okay? 6 A. Yes, ma'am. 7 (Video played.) 8 BY MS. HOUSE: 9 Q. Officer Tuli, I'm going to direct you to view 10 Officer Groce's front dash cam. 11 (Video played.) 12 BY MS. HOUSE: 13 Q. Now, is this the fight that you were referring 14 to? You stated that April Johnson's son and daughter were 15 involved in a fight. Is this the fight you were referring 16 to? 17 A. I have no idea. 18 Q. Okay. I'll keep playing. 19 A. Okay. 20 (Video played.) 21 BY MS. HOUSE: 22 Q. Do you see yourself walk in the scene? Do you 23 recall? 24 A. Yeah, I don't -- 25 Q. Okay.	1 A. Okay. 2 (Video played.) 3 BY MS. HOUSE: 4 Q. All right. There's an officer here, correct, 5 right here? Is that an officer you see? 6 A. Appears to be, yes, ma'am. 7 Q. And someone -- someone's grabbed to the ground, 8 correct? Did you see that? 9 A. Sure. Yes, ma'am. 10 Q. Okay. At this point is the fight over? 11 A. I guess. 12 Q. Between the kids? 13 A. I guess. 14 Q. Okay. 15 A. I don't -- I don't know. This is -- 16 Q. Do you see -- who do you see fighting right now 17 then? 18 A. I can't make out a single person there. 19 Q. Do you see anyone fighting though? 20 A. Earlier it looked like people were fighting, yes, 21 ma'am, but -- 22 Q. I'm going to back it up. 23 (Video played.) 24 BY MS. HOUSE: 25 Q. Right now kids are standing around, right?
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1 A. I don't know. 2 Q. Do you recall the officer that you went with in 3 order to break up this alleged fight? 4 A. No. 5 Q. Okay. You see these two officers though to the 6 left, right, walk up? 7 A. Yes, ma'am. 8 Q. I'm going to play it again because I really want 9 you to watch when the fight starts and when the fight 10 stops. 11 (Video played.) 12 BY MS. HOUSE: 13 Q. Okay. This right here would be -- is (Redacted) 14 -- is A.N.E.R., okay? 15 A. Okay. 16 Q. And is this her brother? 17 A. I don't know. I guess. I don't know. I have no 18 idea. 19 Q. Okay. Do you recall this fight ever happening? 20 A. I'm trying to orient myself to see where this -- 21 I'm assuming that's the fight that I went and broke up, 22 but I'm trying to orient where his body -- where his -- 23 what's it called, his Coban footage would be, so it seems 24 about right. 25 Q. Okay. I'm going to keep playing.	1 A. Am I missing something? There was a fight right 2 -- there was -- 3 Q. Right, but right now -- 4 A. In the bottom left-hand corner, did I -- there 5 was a fight there, correct? 6 Q. Is there a still a fight going on? 7 A. Well, it's paused. 8 Q. Okay. Is there still a fight going on right now? 9 A. I can't tell. That is a big gaggle of people. I 10 cannot tell what's going on in that crowd right there. 11 Q. There's two officers coming right here. Do you 12 see those two officers? 13 A. Yes. 14 Q. Are the officers breaking up any fight right now, 15 do you see? That you can tell? 16 A. No. I can't -- honestly, I can't tell what's 17 going on. 18 Q. Okay. Do you see them breaking up a fight, yes 19 or no? Just yes or no. 20 A. I can't hear any -- I mean, it absolutely looks 21 like they were breaking up a fight to me, yes, ma'am. 22 Q. Who was fighting? 23 A. There's a whole gaggle of people there fighting. 24 And then the officers have to get involved; so again, 25 there's -- there's all kind of people pulling on each

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<p>1 other and --</p> <p>2 Q. What people do you see pulling on each other?</p> <p>3 A. I mean, you want me to -- I don't know if you can</p> <p>4 see what I'm pointing at, but there's multiple individuals</p> <p>5 pulling on each other throughout this entire clip you just</p> <p>6 showed me, all the way from --</p> <p>7 Q. I'm going to play the clip. If you could tell me</p> <p>8 where to stop where you see individuals pulling on each</p> <p>9 other, okay?</p> <p>10 A. Okay.</p> <p>11 Q. And you can just tell me where to stop so you can</p> <p>12 point it out. You can tell me the direction on the screen</p> <p>13 and I will use my mouse to point to the direction and you</p> <p>14 can tell me yes or no, okay?</p> <p>15 And I'm sorry, you know, Officer Tuli, this</p> <p>16 being your first deposition, generally we'd be in person,</p> <p>17 right?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And you could point yourself so I really</p> <p>20 apologize.</p> <p>21 A. Oh, I apologize. I'm sorry. The 'Rona has got</p> <p>22 us all, you know, hidden.</p> <p>23 Q. Yes, sir. Yes, sir. Okay. So I'm going to play</p> <p>24 it. Let me know where you want me to stop and just tell</p> <p>25 me where there's a fight, okay?</p>	Page 194	Page 196
<p>1 A. Yes, ma'am.</p> <p>2 (Video played.)</p> <p>3 THE WITNESS: Push stop.</p> <p>4 BY MS. HOUSE:</p> <p>5 Q. Okay.</p> <p>6 A. There's somebody pulling -- looks like somebody</p> <p>7 is pulling somebody in a dress.</p> <p>8 Q. Right here?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. And this is A.N.E.R.</p> <p>11 A. Oh, okay. Somebody had to hold her back. Okay.</p> <p>12 Q. Okay. And is this a fight or what would you</p> <p>13 consider this?</p> <p>14 A. It looks like somebody is dragging somebody.</p> <p>15 Q. Okay. So someone is trying to stop a fight from</p> <p>16 happening; is that fair to say?</p> <p>17 A. Yeah. Sure.</p> <p>18 Q. Okay. I'm going to keep playing and you tell me</p> <p>19 when to stop.</p> <p>20 A. Yes, ma'am.</p> <p>21 (Video played.)</p> <p>22 THE WITNESS: There's more people there.</p> <p>23 Look at all those people fighting. Looks like fighting to</p> <p>24 me.</p> <p>25 //</p>	Page 195	Page 197
		<p>1 Based on what you just showed me, it clearly</p> <p>2 looked like a fight was happening. And you said that that</p> <p>3 was A.N.E.R. getting held back by somebody, you know.</p> <p>4 Q. Well, but this is -- this is Officer Groce's</p> <p>5 front view of his dash cam.</p> <p>6 A. Yes, ma'am. I understand that.</p> <p>7 Q. And so obviously, the sound inside is not as --</p> <p>8 would not be as good as someone that has a body camera on;</p> <p>9 is that fair to say?</p> <p>10 A. In general, our body cameras are better than</p> <p>11 Coban. With that said, what I'm trying to say is this is</p> <p>12 clearly a volatile, violent situation and it's escalating</p> <p>13 further and further because of other people, not --</p> <p>14 Q. Okay. All right.</p> <p>15 A. General --</p> <p>16 Q. I'm not -- to be clear, Officer Tuli, I'm not --</p> <p>17 I am not at this moment trying to blame anything on the</p> <p>18 police. I'm trying to understand what I -- what is</p> <p>19 being --</p> <p>20 A. And I'm trying to clarify that. So when police</p> <p>21 -- when we take actions, something like this, we can see</p> <p>22 clearly that you said it was A.N.E.R. getting pulled away,</p> <p>23 all these people are fighting, police are showing up.</p> <p>24 Whether or not it's calmed down, I can't tell because I</p> <p>25 don't know if everyone started singing Kumbaya right</p>

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1 around then, but – I don't know. There's a large group 2 of people. We're vastly outnumbered, you know. I don't 3 know when the fight stopped. 4 Q. Okay. Do you recall seeing this video in your 5 Internal Affairs interview, sir? 6 A. To be honest, I don't recall seeing this video at 7 all. It doesn't mean I didn't see it. I just don't 8 recall. 9 Q. Okay. So let me tell you, this is you and 10 Officer Carrasco right here entering from the left, okay? 11 A. Okay. 12 Q. And can you explain what you're doing at this 13 point? 14 A. No. 15 Q. You don't know? 16 A. No. How do you know that's – I'm not denying 17 that that's me, but I'm a lot taller and a lot bigger than 18 Officer Carrasco, and those two officers look the same 19 size. I'm not saying that that's not me. I'm just 20 saying. 21 Q. I'm sorry. I believe it may be you and Officer 22 Cavazos. 23 A. I'm a lot bigger than Officer Cavazos also. 24 Q. So you're thinking that's not you? 25 A. I don't know that. I'm just saying those two	1 A. She's a co-worker. 2 Q. I'm going to show you her -- 3 MR. URBIS: Excuse me, Counsel. Before we 4 continue, can we take a short five-minute break? 5 MS. HOUSE: Sure. 6 MR. URBIS: Thank you. 7 THE REPORTER: Off the record at 3:38 p.m. 8 (Recess taken, 3:38 p.m. - 3:47 p.m.) 9 THE REPORTER: Back on the record at 10 3:47 p.m. 11 MS. HOUSE: Can I please get a time 12 announcement please? 13 THE REPORTER: Yeah. I've got roughly four 14 hours and 16 minutes, something like that, taking out all 15 the breaks. 16 MS. HOUSE: Four hours and 16 minutes? 17 THE REPORTER: Yes, ma'am. 18 MS. HOUSE: Because I'm allotted seven hours 19 for actual deposition testimony, not including breaks. 20 THE REPORTER: Yeah. I was taking out the 21 minutes that we stopped. That's what you have on the 22 record. 23 MS. HOUSE: Thank you so much. 24 THE REPORTER: You're welcome. 25 //
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1 officers look like the same size, and I'm way bigger than 2 both of those two officers. 3 Q. I'll keep playing. 4 A. Yes, ma'am. 5 Q. When A.N.E.R.'s [sic] son was arrested, were you 6 there in the immediate area? 7 A. I don't recall. 8 (Video played.) 9 BY MS. HOUSE: 10 Q. Do you see yourself right here, sir? 11 A. Oh, that is, yes – yes, ma'am, I do see that. 12 Q. And would this be the vehicle that you stated you 13 slammed A.N.E.R. on? 14 A. I don't know if I slammed her. I restrained her. 15 MR. FRIGERIO: Object to the form. 16 BY MS. HOUSE: 17 Q. So you would have been in this area. Does this 18 refresh your memory that you were somewhere there? 19 A. If that's A.N.E.R. getting arrested, then yes, 20 ma'am. 21 Q. Okay. Thank you, sir. I'm going to stop it 22 right here, sir, and I'm going to share something else 23 with you. 24 Sir, what's your relationship with Sarah 25 Carrasco?	1 BY MS. HOUSE: 2 Q. Okay. Officer Tuli, I know it's been a long day. 3 Is this the longest you've ever had to provide any type of 4 testimony? 5 A. It's getting close. 6 Q. Oh, tell me about the longest. 7 A. I had a DWI, a DWI one time that I went and took 8 the stand. I don't know, like 9:20 in the morning or 9 something and we went to lunch, and I don't think I was 10 done until close to 4:30, 4:40. 11 Q. Okay. Well, I'm going to do my best to try to, 12 you know, get you done in time to have dinner. 13 A. I have to go to work after this, so ... 14 Q. No rest. Okay. All right. I'm going to go back 15 to your police report. I just want to finish up what you 16 wrote in your report. Okay? 17 A. Yes, ma'am. 18 Q. So you stated – and I'm going to point with the 19 mouse. It says, "at the time." Do you see that? 20 A. Yes, ma'am. 21 Q. Okay. Actually, can you go ahead and read that 22 please, sir? 23 A. Yes, ma'am. It says, "At that time I immediately 24 struck her back in the face with a closed fist and 25 grabbed her arms and pulled them behind her back.

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<p style="text-align: right;">Page 202</p> <p>1      Officer Cavazos and Officer Osoria assisted me with 2      pulling her hands behind her back, placing her in 3      handcuffs."</p> <p>4      Want me to keep going?</p> <p>5      Q. We can -- yeah, let's go ahead and stop for now.</p> <p>6      Thank you, sir.</p> <p>7      A. Okay.</p> <p>8      Q. Okay. And I'm going to stop sharing the screen.</p> <p>9      And then I'm going to pull up body camera</p> <p>10     footage from Sarah Carrasco, okay?</p> <p>11     A. Yes, ma'am.</p> <p>12     (Video played.)</p> <p>13     BY MS. HOUSE:</p> <p>14     A. I don't hear anything.</p> <p>15     Q. I'm sorry. It was on mute.</p> <p>16     A. Is there sound on the video?</p> <p>17     Q. It was on mute. Sorry, sir. That was my fault.</p> <p>18     A. Okay.</p> <p>19     Q. Let me rewind.</p> <p>20     (Video played.)</p> <p>21     BY MS. HOUSE:</p> <p>22     Q. Okay. I'm going to ask you, Officer Tuli, if you</p> <p>23     recognize anyone from Officer Carrasco's body camera,</p> <p>24     okay?</p> <p>25     A. Okay.</p>	<p style="text-align: right;">Page 204</p> <p>1      they're still here on the scene, according to Officer 2      Carrasco's camera, right?</p> <p>3      A. Yes, ma'am.</p> <p>4      Q. Okay. I'm going to keep playing.</p> <p>5      (Video played.)</p> <p>6      BY MS. HOUSE:</p> <p>7      Q. Okay. I believe this is you, but you can tell me 8      and correct me if I'm wrong if that is not you, okay?</p> <p>9      A. Okay.</p> <p>10     (Video played.)</p> <p>11     BY MS. HOUSE:</p> <p>12     Q. Is that you, sir?</p> <p>13     A. I think so.</p> <p>14     (Video played.)</p> <p>15     BY MS. HOUSE:</p> <p>16     Q. Was that your voice?</p> <p>17     A. Yes, ma'am.</p> <p>18     Q. Okay. So that's you. And who is the officer to 19     the left of you, the African-American gentleman?</p> <p>20     A. Probably Willie Hooten.</p> <p>21     Q. Oh, that's Willie Hooten?</p> <p>22     A. Probably.</p> <p>23     Q. Okay. I'm going to keep playing, okay?</p> <p>24     A. Yes, ma'am.</p> <p>25     (Video played.)</p>
<p style="text-align: right;">Page 203</p> <p>1      (Video played.)</p> <p>2     BY MS. HOUSE:</p> <p>3     Q. Did you recognize the woman in the striped shirt</p> <p>4     from the beginning?</p> <p>5     A. No, ma'am.</p> <p>6     Q. Okay. You remember the woman in the purple hair,</p> <p>7     correct?</p> <p>8     A. Oh, from my video. Yes, ma'am.</p> <p>9     Q. Yes, sir, from your body camera. I want you to</p> <p>10    see whether or not you see some purple hair enter in</p> <p>11    Officer Carrasco's body camera footage, okay?</p> <p>12    A. Okay.</p> <p>13    (Video played.)</p> <p>14    BY MS. HOUSE:</p> <p>15    Q. Do you see my arrow here, sir?</p> <p>16    A. Yes, ma'am.</p> <p>17    Q. And maybe, if you recognize the clothing, do you</p> <p>18    recognize these women? You had an interaction with these</p> <p>19    women in the beginning.</p> <p>20    A. Yeah. Well, if you're saying that the purple</p> <p>21    hair lady, then sure, but --</p> <p>22    Q. Okay. And these are the women that you had to</p> <p>23    give directives to, right?</p> <p>24    A. Sure.</p> <p>25    Q. Okay. But according to this, at this point it --</p>	<p style="text-align: right;">Page 205</p> <p>1     BY MS. HOUSE:</p> <p>2     Q. Okay. You start talking to April Johnson here.</p> <p>3     Do you hear your voice, sir?</p> <p>4     A. Yes, ma'am.</p> <p>5     Q. And what do you tell her?</p> <p>6     A. I don't know. "Get back. You're next." I don't</p> <p>7     know. Is that what I said?</p> <p>8     Q. Yes, sir. You said, "Calm down or you're next."</p> <p>9     You recall saying -- I'm going to let you hear it again.</p> <p>10    Are you ready?</p> <p>11    (Video played.)</p> <p>12    BY MS. HOUSE:</p> <p>13    Q. What is she saying to you?</p> <p>14    A. To be honest, I don't even know if I'm talking to</p> <p>15    her or not. I don't know.</p> <p>16    Q. Okay. What do you hear April Johnson saying?</p> <p>17    A. Nothing.</p> <p>18    Q. Okay. I'm going to play it and see if you hear</p> <p>19    something, okay?</p> <p>20    A. Okay.</p> <p>21    (Video played.)</p> <p>22    BY MS. HOUSE:</p> <p>23    Q. You heard yourself say, "Back up because you're</p> <p>24    next," right? You already testified to that.</p> <p>25    A. Okay.</p>

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	Page 206	Page 208
1	(Video played.)	1 (Video played.)
2	BY MS. HOUSE:	2 BY MS. HOUSE:
3	Q. Did you hear that, sir?	3 Q. Okay. So this is A.N.E.R. right here, right?
4	A. I heard "back up." I heard her say something. I	4 A. Yes, ma'am.
5	heard somebody scream, "Don't talk to her" or "Don't touch	5 Q. And she's yelling at you, right?
6	her."	6 A. Sure.
7	Q. I'm going to play it again.	7 Q. Yes, sir, yes or no?
8	(Video played.)	8 A. Yes, ma'am.
9	BY MS. HOUSE:	9 Q. I'm sorry. I couldn't hear.
10	Q. Okay. On Officer Carrasco's body camera, there's	10 A. I said yes.
11	a bright light in the back. Here's April Johnson right	11 Q. Okay. And she's saying, "Don't talk to her like
12	here. Do you see April Johnson?	12 that," right?
13	A. Yes, ma'am.	13 A. Uh-huh.
14	Q. Okay. Behind her is A.N.E.R.?	14 Q. Okay. I'm going to pull up, stop sharing your
15	A. Okay.	15 report. And at the bottom of the first page of your
16	Q. So you've already stated you're here in this	16 report, you say, in the last paragraph, "She was yelling
17	immediate area, because you're telling April Johnson "Back	17 and instigating a fight."
18	up or you're next."	18 Was that the fight she was instigating by
19	(Video played.)	19 telling you not to talk to her mom like that?
20	BY MS. HOUSE:	20 A. Yes, ma'am. Sure. Yes, ma'am.
21	Q. What did the girl say?	21 Q. Okay. And why didn't you include in your report
22	A. The girl who is screaming?	22 that she said that to you?
23	Q. Yeah.	23 A. I wrote down how -- the thing -- how I remembered
24	A. Yeah, "Don't talk to her like that" or "Don't	24 it. I wrote down in my report how I remembered it
25	touch her like that."	25 happening.
	Page 207	Page 209
1	Q. "Don't talk to her like that."	1 Q. And then --
2	A. Okay.	2 A. She clearly was aggressive toward me. She was
3	Q. That's A.N.E.R. talking to you.	3 violent and she punched me in the face. I made an arrest.
4	A. Okay.	4 Q. Yes, sir. But in your report, you're allowed to
5	Q. I'm going to keep playing it.	5 use quotes as to what people were saying; is that correct?
6	(Video played.)	6 A. Yes, ma'am.
7	BY MS. HOUSE:	7 Q. In fact, you did because you quoted what
8	Q. Okay. Who is this, sir?	8 April Johnson said in your report; is that correct?
9	A. I don't know.	9 A. Yes, ma'am.
10	Q. Okay. I'm going to keep playing it. I'm going	10 Q. The only thing that you quoted A.N.E.R. saying
11	to play it -- how about this. I think maybe it will be	11 was calling you a white motherfucker, right?
12	easier if I play it through, and then we'll go over the	12 A. Yes, ma'am.
13	footage. Would that help?	13 Q. Why didn't you include her telling you not to
14	A. Sure.	14 talk to her mother like that?
15	Q. Okay.	15 A. Probably because that wasn't pertinent to my
16	(Video played.)	16 report.
17	BY MS. HOUSE:	17 Q. Ah. Was it pertinent to your interaction with
18	Q. Who do you see -- sir, who do you see?	18 her?
19	A. Yeah, I see A.N.E.R. punch me in the face, and	19 A. With A.N.E.R.?
20	then me strike her back immediately. And then Ms. Johnson	20 Q. Yes, sir.
21	turns around and runs towards the --	21 A. Yeah. If you call racial slurs, I think that
22	Q. You saw the strike in the face?	22 should be documented.
23	A. That's what it looks like from where I'm at, yes,	23 Q. So, no. Okay. I asked you specifically, okay,
24	ma'am.	24 because you said calling people racial slurs. So I'm not
25	Q. Okay. Well, let's go. I would like to see that.	25 sure you're listening to my question. So let me rephrase,

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Page 210	Page 212
1 okay?	1 Q. Okay. Yes or no, sir? You never did mention it?
2 A. Okay.	2 A. I don't know. This was almost four years ago. I
3 Q. Let me re-ask it.	3 don't know.
4 A. Okay.	4 Q. Do you remember mentioning it?
5 Q. Why didn't you -- I asked you specifically -- we	5 A. No.
6 were talking about why you didn't include "Don't talk to	6 Q. If I told you that you never mentioned it, would
7 her like that," A.N.E.R. referring to her mother, why you	7 you have any reason to believe that I was not telling you
8 didn't include it in your report. You said probably	8 the truth?
9 because it wasn't pertinent to your report.	9 A. No.
10 So then my question was why was it not	10 Q. Okay. That's fair. So now that you are hearing
11 pertinent to your report?	11 her say, "Don't talk to her like that," are you used to
12 A. People scream at us all the time. If people	12 kids in her position yelling commands at you?
13 scream at us and call us racial slurs and then attack us,	13 A. Unfortunately, yes, ma'am, I am.
14 that's probably more important than somebody yelling	14 Q. And in this particular case with her yelling the
15 random things about, "hey, don't talk to her like that,"	15 command, right, nothing more, not punching you, nothing
16 or "you can't touch me when you place me under arrest." I	16 more, what would have been an appropriate response?
17 don't have to (audio distortion) on that ticket. You	17 A. Exactly what I did, hey -- I pushed her back,
18 understand?	18 created some space between me and her, and that's the most
19 Q. Okay. But, Officer Tuli, as soon as she said	19 appropriate response right then.
20 that, you responded to her, correct?	20 Q. At that time when you saw Officer Carrasco's
21 A. I think I responded to her striking me in the	21 camera view, there were quite a few officers over there,
22 face, yes, ma'am.	22 correct?
23 Q. Sir, your attention was drawn to A.N.E.R. --	23 A. Yes, ma'am.
24 actually, your attention was drawn to A.N.E.R. as soon as	24 Q. So since this is Officer Carrasco's camera, we
25 she screamed at you, as you stated. She was yelling at	25 know that Sarah Carrasco was there, right?
Page 211	Page 213
1 you, right?	1 A. Uh-huh.
2 A. Yes, ma'am.	2 Q. You said Willie Hooten was there, right? Yes,
3 Q. Okay. Her yelling was relevant, yes?	3 sir?
4 A. Well, her closing distance on me is what's	4 A. Yes, ma'am.
5 relevant. I told her to back off.	5 Q. It was you, correct?
6 Q. My question is her yelling was relevant, yes?	6 A. Yes, ma'am.
7 A. Anybody screaming at police officers you should	7 Q. Do you recall other officers that were there in
8 probably pay attention to them.	8 that immediate area?
9 Q. You included her yelling in your report, yes?	9 A. I mean, since that was right at the time when she
10 A. Yes.	10 struck me in the face, yes. I would say for sure Osoria
11 Q. Okay. You didn't include exactly what she	11 was there.
12 allegedly yelled at the time, at that time right there.	12 Q. Okay.
13 A. Okay.	13 A. And for sure Cavazos was there.
14 Q. Correct?	14 Q. Okay. Osoria, Cavazos, Carrasco, Willie Horton?
15 A. I wrote down what I remembered happening, what I	15 A. Hooten.
16 thought was important in my report.	16 Q. Hooten, sorry. What's your chant for him again?
17 Q. So here's what I want to know, Officer Tuli.	17 A. "Willie. Willie."
18 A. Yes, ma'am.	18 Q. That's right. "Willie." Sorry. I don't want to
19 Q. In all of the reports/accounts --	19 get it wrong because I know that's your friend.
20 A. Uh-huh.	20 And you were there?
21 Q. -- you gave to other people about what happened	21 A. Yes, ma'am.
22 between you and A.N.E.R., you never did mention she told	22 Q. And maybe other officers too?
23 you, "Don't talk to her that way." You never did mention	23 A. Maybe.
24 it, correct?	24 Q. So we're talking about one, two, three, four,
25 A. Maybe I forgot. I don't know.	25 five so far?

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Page 214	Page 216
<p>1 A. Yes, ma'am.</p> <p>2 Q. Based on your knowledge of these officers, was</p> <p>3 there anyone present that was not capable of restraining</p> <p>4 A.N.E.R.?</p> <p>5 A. Apparently, none of us were able to restrain her.</p> <p>6 It took three officers to restrain her.</p> <p>7 Q. Let's go through that then. Let's talk about the</p> <p>8 restraint. I'm going to go back to the video.</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Because you said you clearly saw something. And</p> <p>11 you know, there's a lot of things, to be fair, that have</p> <p>12 been unclear, but you said you clearly saw a punch,</p> <p>13 correct?</p> <p>14 A. Well, I don't know if I saw it on this video but</p> <p>15 I'm saying I know she socked me right then.</p> <p>16 Q. Okay. But you said -- okay. So I want to clear</p> <p>17 it up for the record, because you said you clearly -- I</p> <p>18 asked you what happened in the video, and you said I</p> <p>19 clearly saw her hit me, punch me.</p> <p>20 A. To clarify, because I was standing there and I</p> <p>21 remember her punching me right then.</p> <p>22 Q. Okay. So not -- your testimony is from what you</p> <p>23 remember, not necessarily this video, correct?</p> <p>24 A. Yes. Nothing in this video is very clear, to be</p> <p>25 -- to be fair, so ...</p>	<p>1 A. Okay.</p> <p>2 (Video played.)</p> <p>3 THE WITNESS: That's Cavazos, I think.</p> <p>4 BY MS. HOUSE:</p> <p>5 Q. Okay. That's Cavazos?</p> <p>6 A. I think so.</p> <p>7 Q. And then there's a white light over to the left,</p> <p>8 correct?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Okay. Between 9:10 and 9:11, you see something</p> <p>11 going up. When she goes up, I'm going to play it, but</p> <p>12 nothing ever goes across that -- nothing breaks this white</p> <p>13 light because this light right here, Officer Tuli, is</p> <p>14 coming from behind.</p> <p>15 A. Okay.</p> <p>16 Q. Right? You see the white light?</p> <p>17 A. Yes, ma'am.</p> <p>18 (Video played.)</p> <p>19 BY MS. HOUSE:</p> <p>20 Q. Okay. She doesn't break the white light when she</p> <p>21 says, "Don't talk to her like that." Did you notice that,</p> <p>22 sir?</p> <p>23 A. You mean -- yeah, it's a camera. It's a video</p> <p>24 camera. There's all kind of stuff preventing view of all</p> <p>25 of it. There's people. There's the bright light.</p>
<p style="text-align: center;">Page 215</p> <p>1 Q. Well, let me ask you because I'm -- I am at</p> <p>2 9 minutes and 10 seconds. Do you see A.N.E.R. standing</p> <p>3 right here?</p> <p>4 A. If that's her, I would say okay.</p> <p>5 Q. Okay. Was that more clear? Because I'm playing</p> <p>6 the video. I'm going to play the clip and stop it because</p> <p>7 it's very quick. Tell me if you recognize this child.</p> <p>8 (Video played.)</p> <p>9 BY MS. HOUSE:</p> <p>10 Q. She enters right here. Do you see my mouse?</p> <p>11 A. Okay. Yes, ma'am.</p> <p>12 Q. I'm going to keep playing.</p> <p>13 (Video played.)</p> <p>14 BY MS. HOUSE:</p> <p>15 Q. Okay. Do you see the child right here?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. And she's actually pulling up -- do you</p> <p>18 see her pulling her top up?</p> <p>19 A. It appears, sure.</p> <p>20 Q. Okay. And there's an officer standing right</p> <p>21 here, right?</p> <p>22 A. Okay. Yes, ma'am.</p> <p>23 Q. Okay. Do you know who that is?</p> <p>24 A. Based off this frame, no.</p> <p>25 Q. Let me rewind and you tell me, okay?</p>	<p style="text-align: center;">Page 217</p> <p>1 There's somebody's arm, apparently. There's all kind of</p> <p>2 stuff blocking things.</p> <p>3 Q. Her arm went up as she said, "Don't talk to her</p> <p>4 like that." But the only thing that goes across -- can</p> <p>5 you explain why the only thing that actually goes across</p> <p>6 is your arm?</p> <p>7 I'm going to show you. I'm going to play</p> <p>8 the clip.</p> <p>9 (Video played.)</p> <p>10 BY MS. HOUSE:</p> <p>11 Q. You saw her hand go up and say, "Don't talk to</p> <p>12 her like that." Did you see that, sir? Or you need me to</p> <p>13 play it again?</p> <p>14 A. So, again, it's pretty choppy here, but from what</p> <p>15 I just saw, you can see her hand reach up and strike me in</p> <p>16 the face.</p> <p>17 Q. All right. So let's --</p> <p>18 A. It's pretty choppy but you can -- from what I'm</p> <p>19 looking at over here, it looks -- it looks like you can</p> <p>20 see her when she actually strikes me in the face, so...</p> <p>21 Q. Okay. Sure. And so I'm going to play the clip</p> <p>22 and we're going to go over what you see. One moment.</p> <p>23 A. Yes, ma'am.</p> <p>24 (Video played.)</p> <p>25 //</p>

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<p style="text-align: right;">Page 218</p> <p>1 BY MS. HOUSE:</p> <p>2 Q. Okay. It went very quickly and I paused it.</p> <p>3 A. Uh-huh.</p> <p>4 Q. That would have been where she's standing -- it</p> <p>5 looks -- her left hand is up, correct?</p> <p>6 A. I don't even know if that's her hand. That looks</p> <p>7 like somebody's shirt. I have no idea what I'm looking at</p> <p>8 there.</p> <p>9 Q. Okay. Let's do it again.</p> <p>10 (Video played.)</p> <p>11 BY MS. HOUSE:</p> <p>12 Q. Whose face is right -- this is A.N.E.R.'s face</p> <p>13 right here.</p> <p>14 A. Okay.</p> <p>15 Q. Yes, sir?</p> <p>16 A. Yes, ma'am. Sure.</p> <p>17 Q. Okay. And this is April Johnson right here,</p> <p>18 correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 (Video played.)</p> <p>21 BY MS. HOUSE:</p> <p>22 Q. You said her hand goes up and that's where she</p> <p>23 punches you.</p> <p>24 A. I just saw it. It's not showing it right this</p> <p>25 second, but I just saw it a second ago.</p>	<p style="text-align: right;">Page 220</p> <p>1 pause and push play, but I can see her hand reach up and</p> <p>2 that's --</p> <p>3 Q. Tell me when to stop when you think her hand went</p> <p>4 up to punch you. Let me rewind.</p> <p>5 (Video played.)</p> <p>6 THE WITNESS: There -- again, right there.</p> <p>7 BY MS. HOUSE:</p> <p>8 Q. Okay. Right here is where she would have hit</p> <p>9 you?</p> <p>10 A. Well, obviously that's me trying to restrain her</p> <p>11 at that point.</p> <p>12 Q. And as you're trying to restrain her, what did</p> <p>13 you do?</p> <p>14 A. I -- so when she struck me, I immediately did a</p> <p>15 compliance strike. I did a reactionary compliance strike</p> <p>16 and I grabbed her, and two other officers grabbed her with</p> <p>17 me. And we had to force her into handcuffs because she</p> <p>18 wouldn't -- she wouldn't put the handcuffs on.</p> <p>19 Q. How many compliance strikes did you give her?</p> <p>20 A. One.</p> <p>21 Q. And was this open hand?</p> <p>22 A. No, ma'am.</p> <p>23 Q. It was closed fist?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. And where did you -- what was your target with</p>
<p style="text-align: right;">Page 219</p> <p>1 Q. Okay.</p> <p>2 A. I don't know if it's -- I don't know if it's</p> <p>3 because the connection is lagging or what but...</p> <p>4 Q. I'm going to play it again.</p> <p>5 A. Okay.</p> <p>6 (Video played.)</p> <p>7 BY MS. HOUSE:</p> <p>8 Q. Okay. Right here you see your arm reach across</p> <p>9 to her neck. Did you see that, sir?</p> <p>10 A. To her neck?</p> <p>11 Q. Yes, sir. Did you see --</p> <p>12 A. No. Did you see that?</p> <p>13 Q. I'll go. You describe what you see.</p> <p>14 (Video played.)</p> <p>15 BY MS. HOUSE:</p> <p>16 Q. Her hand went up and then it went down, right?</p> <p>17 A. Again, I didn't see that this time at all, so...</p> <p>18 Q. Okay. Tell me when to stop when you see her hand</p> <p>19 go up. How about that?</p> <p>20 (Video played.)</p> <p>21 THE WITNESS: Okay. There it went.</p> <p>22 BY MS. HOUSE:</p> <p>23 Q. When? When did you see her hand go up?</p> <p>24 A. Again, it's kind of hard because we're FaceTiming</p> <p>25 or whatever this is called, but I don't know how to push</p>	<p style="text-align: right;">Page 221</p> <p>1 the closed fist? Her face?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. And I'm still not seeing where she hit</p> <p>4 you. So, Officer Tuli, you said she hit you. I don't see</p> <p>5 it here. And maybe this is not the right video for you.</p> <p>6 I don't know, but I want to be clear because I want to</p> <p>7 give you the opportunity to show where she hit you.</p> <p>8 Just yell out "stop" when you want me to</p> <p>9 stop the video as to where you think it would have been</p> <p>10 the time for her to hit you, okay?</p> <p>11 MR. URBIS: I'm going to object. Again,</p> <p>12 this question has been asked and answered several times.</p> <p>13 He's identified when he thought it happened. And it's</p> <p>14 unclear by playing one-second clips what happened to me,</p> <p>15 but just objection.</p> <p>16 BY MS. HOUSE:</p> <p>17 Q. Officer Tuli, counsel has stated you've already</p> <p>18 identified where it happened. I stopped it where I</p> <p>19 believed you said it happened, but you didn't confirm</p> <p>20 that. So I want to be clear for the record as to where</p> <p>21 that happened.</p> <p>22 So again, Officer Tuli, because you</p> <p>23 didn't -- when you yelled "stop," that would have been --</p> <p>24 it was your body in the scene where you stated that you</p> <p>25 gave her a compliance strike, okay?</p>

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Page 222	Page 224
1 A. Okay.	1 A. I'm not sure, ma'am. She struck me in the face.
2 Q. So if you could just yell out "stop" so I that	2 We arrested her.
3 can mark on -- for the record where it stops on the video,	3 Q. So to be clear, you didn't tell any -- for sure;
4 that will help me. Because counsel sees something and	4 you don't know when it happened?
5 understands something that I don't see, okay?	5 A. No, I did. I said --
6 A. Okay.	6 MR. FRIGERIO: Object to form.
7 MR. URBIS: Same objection.	7 THE WITNESS: -- it happened. I pointed it
8 THE WITNESS: Yeah. It's happening really	8 out multiple times and you keep saying you don't see it.
9 fast, but...	9 I can't make you see things.
10 BY MS. HOUSE:	10 BY MS. HOUSE:
11 Q. When she said, "Don't talk to her like that," you	11 Q. Where are you pointing it out, Officer Tuli?
12 didn't hear "white motherfucker" at this point, right?	12 Because I don't see where you pointed it out. Because by
13 A. No, ma'am.	13 the time you --
14 Q. Okay.	14 MR. URBIS: Objection. Argumentative; asked
15 (Video played.)	15 and answered.
16 BY MS. HOUSE:	16 BY MS. HOUSE:
17 Q. Okay. As soon as she said, "Don't talk to her	17 Q. Sir, where are you pointing it out? Where?
18 like that," there's a shadow that comes across. Did you	18 MR. URBIS: Objection. Argumentative; asked
19 see that, sir?	19 and answered.
20 A. No. To be honest, no.	20 BY MS. HOUSE:
21 Q. Okay. I'm going to play it again.	21 Q. Is it at 9:10?
22 (Video played.)	22 A. I'm not entirely sure the seconds. I'm looking
23 THE WITNESS: Yeah. Again, I just saw her	23 at the clock and the video at the same time.
24 hit me again. We keep pausing this and going back. It's	24 (Video played.)
25 clear that she advances on me. It's clear that I tell her	25 //
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1 to back up. I put my hand out and she strikes me. I	1 BY MS. HOUSE:
2 don't know how else to point that out. With the lag here,	2 Q. Okay. Would it have been when her hand went up
3 it's not hitting at the right time, but from where I'm	3 right there?
4 looking, it's very clear that she's advancing on me.	4 A. That wasn't it. There's another one.
5 She's yelling at me and I tell her to back up.	5 Q. Okay. So it's not -- so she said don't --
6 Q. Okay. This is what I'm going to do. Do you see	6 A. That's when --
7 where my mouse is right here?	7 THE REPORTER: Hang on. One at a time,
8 A. Yes, ma'am.	8 please.
9 Q. I want you to tell me at what time she does that.	9 THE WITNESS: Sorry. The hand -- what
10 A. Okay.	10 appeared to be a hand flailing that you just pointed at,
11 MR. URBIS: Same objection.	11 that's not what I'm talking about. There's another hand
12 MS. HOUSE: There's an objection.	12 that reaches across and strikes me in the face that
13 MR. URBIS: Objection; asked and answered.	13 belongs to A.N.E.R. She is clearly advancing on me in this
14 I mean, he's identified roughly when it's happened. And	14 video. I am clearly telling her to get away from me. I
15 to keep playing this back, at least now more than five	15 create some space and she strikes me in the face.
16 times, and he's already stated multiple times when he	16 BY MS. HOUSE:
17 thought it happened. So, again, just repeated asked and	17 Q. There's an officer right here, right?
18 answered. Same question over and over.	18 A. Yes, ma'am.
19 BY MS. HOUSE:	19 Q. To the right. Okay. So where did you see her
20 Q. Officer Tuli?	20 clearly strike you?
21 A. Yes, ma'am.	21 A. Again, I pointed -- I pointed it out multiple
22 Q. Did the punch happen at the same time that she	22 times. It wasn't the little hand flailing. She hit me
23 told you don't talk to her mother like that? When her arm	23 with her right hand. Two other officers saw it happen. I
24 went up and she told you, don't talk to her mother like	24 don't know where we're going with this.
25 that, that's when you said the punch happened, right?	25 (Video played.)

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1 BY MS. HOUSE: 2 Q. Okay. I don't see in this video, sir, where her 3 hand went up again after she said, "Don't talk to her like 4 that." So I'm going to play it one more time and you can 5 point after she says, "Don't talk to her like that" where 6 her hand goes up again. 7 A. Okay. 8 MR. URBIS: Objection; asked and answered. 9 MS. RODRIGUEZ: Same. 10 (Video played.) 11 BY MS. HOUSE: 12 Q. And you're saying her hand went up again after 13 that. That's what you saw? 14 A. Yes, ma'am. That's what I felt. 15 Q. Okay. In that clip, when did she call you white 16 motherfucker at that time, that you heard? 17 A. So when I wrote my report -- again, we've gone 18 over this. You know, I wrote it off -- based off my 19 memory. After -- months later after I was able to watch 20 the videos, turns out she didn't call me a white 21 mother-f'er. She called me a white bitch or white asshole 22 or something, but it was like 10, 20 seconds after she hit 23 me, not before she hit me. 24 Q. Well, later on she did say "I didn't punch his 25 white ass." That's what she said, didn't she?	1 get to do that. 2 Q. Right. Because based on your statements, they 3 rely on the information of the police report at the time 4 that you create it, correct? 5 A. Yes, ma'am. 6 Q. Okay. I'm going to show you -- what was your 7 response when she said, "Don't talk to her that way" -- I 8 want you to listen to what you said to her at that moment, 9 okay? 10 A. Okay. 11 Q. All you're doing is listen to what she said. 12 (Video played.) 13 BY MS. HOUSE: 14 Q. You said, "Shut up." Did you hear that, sir? 15 A. No. But so what? 16 Q. I'm not arguing with whether or not it was wrong. 17 I want you to -- 18 A. Well, I didn't mean to say so what. I meant to 19 say okay if I did say that. So what's the -- yeah. Am I 20 not allowed to say shut up? 21 Q. I'm not saying what you can or cannot do right 22 now at this point. I'm just asking whether -- about you 23 saying -- you said as soon as she said, "Don't talk to her 24 that way," your response, verbal response was "Shut up." 25 okay? So I want you to listen again.
1 A. Yes, ma'am. Something like that. 2 Q. But that would have been when she was already in 3 handcuffs, correct? 4 A. I don't remember if we were still struggling her 5 -- or struggling with her to put her in handcuffs, but 6 nonetheless, she -- she uses racial slurs against me. 7 Q. At any time -- but -- so she didn't call you 8 white motherfucker to be clear, right? Right? 9 A. To be honest, I don't know. I'm saying I wrote 10 down the way I remembered it. I don't know if she called 11 me a white mother-f'er, but I wrote it down the way I 12 remembered it, so... 13 Q. At that time you didn't remember -- you said you 14 thought you remembered it that way. And you wrote down 15 what you thought you remembered then, correct? 16 A. Yes, ma'am. 17 Q. And then you said months later after you reviewed 18 it, you found out she didn't call you white motherfucker. 19 You said you thought she called you white asshole or 20 white-something else, right? 21 A. Yeah. Months later, yes, ma'am. 22 Q. Okay. At any point in time were you able to 23 amend this police report and clarify to anyone saying, 24 hey, guys, she didn't call me white motherfucker? 25 A. No. We don't -- you don't get to -- you don't	1 (Video played.) 2 BY MS. HOUSE: 3 Q. Okay. Did you hear it, sir? 4 A. Yes. 5 Q. Okay. Thank you. I'm going to stop showing -- 6 if I can find the screen -- this particular view. 7 I'm going to show you -- just to be clear, 8 you told a lot of people your story as to April Johnson 9 hitting you, correct? 10 A. Sure. Yes, ma'am. 11 Q. Okay. Because right after -- 12 A. April Johnson -- 13 Q. I'm sorry. A.N.E.R. hitting you, right? 14 A. Yes, ma'am. 15 Q. Did you ever tell -- who was your sergeant at the 16 time? Who was your sergeant? 17 A. Sergeant Reed Hensley. 18 Q. Okay. Did you ever tell Sergeant Hensley that 19 you had to drag April Johnson away? 20 A. I don't know. I don't remember. 21 Q. Did you ever tell Sergeant Hensley that you -- 22 that April -- A.N.E.R. told you, Don't talk to her that 23 way? 24 A. I don't remember. 25 Q. Did you tell Sergeant Hensley that as soon as she

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<p>1 told you that you told A.N.E.R. to shut up?</p> <p>2 A. I don't remember.</p> <p>3 Q. Okay. Did you tell Sergeant Hensley that</p> <p>4 A.N.E.R. called you white motherfucker?</p> <p>5 A. I don't remember.</p> <p>6 Q. Okay. I'm going to show you what is Officer</p> <p>7 Willie Hooten's camera.</p> <p>8 (Video played.)</p> <p>9 BY MS. HOUSE:</p> <p>10 Q. What happened as soon as you restrained the</p> <p>11 child?</p> <p>12 A. What do you mean? I don't remember.</p> <p>13 Q. Well, you said you slammed her against the car</p> <p>14 and I asked you if that was a vehicle --</p> <p>15 MR. FRIGERIO: Object. He never said he</p> <p>16 slammed her against it.</p> <p>17 MS. HOUSE: Okay. One moment.</p> <p>18 Can we take like a five-minute break?</p> <p>19 THE WITNESS: Okay.</p> <p>20 MS. RODRIGUEZ: Sure.</p> <p>21 THE REPORTER: Off the record at 4:24 p.m.</p> <p>22 (Recess taken, 4:24 p.m. - 4:31 p.m.)</p> <p>23 THE REPORTER: Back on record at 4:31 p.m.</p> <p>24 BY MS. HOUSE:</p> <p>25 Q. Officer Tuli, I'm going to show you another body</p>	<p>1 BY MS. HOUSE:</p> <p>2 Q. Okay. This is A.N.E.R. to the left, correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. I'm going to back it up. Actually, let me go</p> <p>5 ahead and play it fully, and then I'll ask you about it.</p> <p>6 Would that help?</p> <p>7 A. Sure. Yes, ma'am.</p> <p>8 (Video played.)</p> <p>9 BY MS. HOUSE:</p> <p>10 Q. Can you describe your first contact with A.N.E.R.</p> <p>11 according to this clip?</p> <p>12 A. No.</p> <p>13 (Video played.)</p> <p>14 BY MS. HOUSE:</p> <p>15 Q. I want to ask you the first time you physically</p> <p>16 touch her in this clip, okay?</p> <p>17 (Video played.)</p> <p>18 BY MS. HOUSE:</p> <p>19 Q. Had you touched her -- you hadn't touched her at</p> <p>20 that point?</p> <p>21 A. I -- I don't know.</p> <p>22 Q. Sir, do you recall when she says, Don't talk to</p> <p>23 her like that, you've testified she was coming towards</p> <p>24 you, correct?</p> <p>25 A. Yes, ma'am.</p>
<p>1 camera. This is Officer Christopher Cavazos' body camera.</p> <p>2 Okay?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And we just got done seeing Sarah Carrasco's.</p> <p>5 Now I'm going to go back to Officer Cavazos' camera.</p> <p>6 So at 13 -- around 13:21 I'm starting it.</p> <p>7 Let me know -- could you hear that?</p> <p>8 A. I can hear it. I can't see anything though.</p> <p>9 Q. Okay. Thanks for letting me know.</p> <p>10 (Video played.)</p> <p>11 BY MS. HOUSE:</p> <p>12 Q. Now, when the interaction between you and</p> <p>13 A.N.E.R. occurred, tell me if you don't see your hands</p> <p>14 going around her neck and pulling her back. Because her</p> <p>15 head goes back and she's jolting forward, okay?</p> <p>16 (Video played.)</p> <p>17 BY MS. HOUSE:</p> <p>18 Q. Where are you here? This is you, sir, right?</p> <p>19 A. Oh, okay. Yes, ma'am.</p> <p>20 Q. And this is April Johnson.</p> <p>21 A. Okay. Yes, ma'am.</p> <p>22 Q. Okay. Right? Yes?</p> <p>23 A. Yes.</p> <p>24 (Video played.)</p> <p>25 //</p>	<p>1 Q. And at that point, you hadn't had the opportunity</p> <p>2 to touch her because she was walking toward you at that</p> <p>3 moment, correct?</p> <p>4 A. If I remember right, she was closing distance on</p> <p>5 me and I pushed her back.</p> <p>6 Q. Correct. Right. But at that point before she</p> <p>7 talked to you, you hadn't closed distance, right?</p> <p>8 A. Well, I never closed distance. It was her. She</p> <p>9 closed distance on me.</p> <p>10 Q. But you never pushed her back in order to stop</p> <p>11 her closing distance before she said, "Don't talk to her</p> <p>12 like that," right?</p> <p>13 A. I pushed her back when she was too close to me.</p> <p>14 Q. Did that happen before or after she says, "Don't</p> <p>15 talk to her like that"?</p> <p>16 A. I can't remember.</p> <p>17 Q. I'm going to show you the video.</p> <p>18 A. Okay.</p> <p>19 (Video played.)</p> <p>20 BY MS. HOUSE:</p> <p>21 Q. Okay. What did April -- April Johnson said,</p> <p>22 "This is my son right here" when she came over, right?</p> <p>23 A. Sure. Yes, ma'am.</p> <p>24 Q. Okay. You're saying "sure." Did you hear it or</p> <p>25 do you want me to replay?</p>

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<p style="text-align: right;">Page 234</p> <p>1 A. Yeah, I heard her.</p> <p>2 Q. And you told her at that point to back up, right?</p> <p>3 A. I don't know who I was talking to. There's a lot</p> <p>4 of people there. You can barely see. You can barely see</p> <p>5 what is visible. There's a bunch of bodies blocking the</p> <p>6 camera, there's arms, there's all kind of stuff. I have</p> <p>7 no idea if I was talking to April Johnson or if I was</p> <p>8 talking to A.N.E.R. or anyone else. I don't know.</p> <p>9 Q. Is there an arm blocking this camera view right</p> <p>10 now?</p> <p>11 A. Right there. I mean, you keep pausing it. You</p> <p>12 keep pausing the video. You'll play it for a couple of</p> <p>13 seconds and then ask a different question.</p> <p>14 Q. I'll play it back and I'll ask you who -- you're</p> <p>15 telling April Johnson to back up. I will play it.</p> <p>16 A. (Inaudible).</p> <p>17 THE REPORTER: I couldn't hear what you</p> <p>18 said.</p> <p>19 (Video played.)</p> <p>20 BY MS. HOUSE:</p> <p>21 Q. Who is telling her to back up?</p> <p>22 A. Was that Carrasco? I think that was Carrasco.</p> <p>23 Q. Okay.</p> <p>24 (Video played.)</p> <p>25 BY MS. HOUSE:</p>	<p style="text-align: right;">Page 236</p> <p>1 THE WITNESS: I see chaos in this video. I</p> <p>2 see people getting arrested, people running up and</p> <p>3 interfering with officers' duties. I see people attacking</p> <p>4 police officers. I see people screaming at police</p> <p>5 officers. I see officers yelling back. There's chaos in</p> <p>6 this video.</p> <p>7 BY MS. HOUSE:</p> <p>8 Q. Before we got here, Officer Tuli, how many people</p> <p>9 is your body camera footage going to back up before we got</p> <p>10 here that you told to go home?</p> <p>11 A. I don't know.</p> <p>12 Q. If I told you there were none, would you have</p> <p>13 reason to believe that I wasn't telling the truth?</p> <p>14 A. No.</p> <p>15 Q. Okay. There were many officers on the scene at</p> <p>16 this point, correct?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. There were still a lot of people on this -- at</p> <p>19 this point, correct?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. At any point in time, you could have told people</p> <p>22 to go home.</p> <p>23 A. It's clear that people weren't listening to us</p> <p>24 regardless. We could have told them to go to Six Flags.</p> <p>25 No one would listen. It's clear no one was listening to</p>
<p style="text-align: right;">Page 235</p> <p>1 Q. Okay. Now, you had already admitted you told her</p> <p>2 that she was next. Do you remember giving that in earlier</p> <p>3 testimony, sir?</p> <p>4 A. I don't know who I was talking to. And you can't</p> <p>5 tell who I was talking to by looking at this video.</p> <p>6 Q. But you can hear your voice here, correct, sir?</p> <p>7 A. I could have been yelling at numerous people. I</p> <p>8 have no idea who I told to back up or to go away.</p> <p>9 I know A.N.E.R. closed distance on me,</p> <p>10 yelled at me, struck me in the face, and I immediately</p> <p>11 returned a compliance strike and took her --</p> <p>12 Q. Officer Tuli, I'm not --</p> <p>13 MR. FRIGERIO: Let him -- wait a minute.</p> <p>14 I'm going to object. You need to let him finish his</p> <p>15 answer before you ask another question.</p> <p>16 MS. HOUSE: I'll object to nonresponsive. I</p> <p>17 will object then to nonresponsive.</p> <p>18 MR. FRIGERIO: You also need to let him</p> <p>19 finish his answer.</p> <p>20 BY MS. HOUSE:</p> <p>21 Q. I'm only asking you, Officer Tuli, what you see</p> <p>22 in this video. What do you see in this body camera --</p> <p>23 A. (Inaudible).</p> <p>24 MR. URBIS: Objection. Asked and answered.</p> <p>25 THE REPORTER: I'm sorry. What?</p>	<p style="text-align: right;">Page 237</p> <p>1 us, no one; not Ms. Johnson, not A.N.E.R., not her son,</p> <p>2 not Ms. Ybarra. No one was listening to officers. No</p> <p>3 one.</p> <p>4 Q. So you did give a directive as to where they</p> <p>5 should go at the beginning of this tape, right?</p> <p>6 A. Yeah. The only reason anybody was arrested or</p> <p>7 anything is because that one person struck a police</p> <p>8 officer. The other person who is in handcuffs right now</p> <p>9 on the floor in this video, he threatened to kill police</p> <p>10 officers. That it.</p> <p>11 Q. I'm going to keep playing the footage.</p> <p>12 A. Okay.</p> <p>13 (Video played.)</p> <p>14 BY MS. HOUSE:</p> <p>15 Q. Okay. Right here, do you see this arm where my</p> <p>16 mouse is pointing?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay. And would that be where you punched</p> <p>19 A.N.E.R. in the -- you said -- you called it a compliance</p> <p>20 strike in the face?</p> <p>21 A. Yes, ma'am. Probably.</p> <p>22 Q. So right here, this is you to the right, correct?</p> <p>23 A. Oh, I don't know. All I see is random arms and</p> <p>24 silhouettes. I see some purple, some purple in a dress</p> <p>25 and a light. I don't know if it's my arm or anyone else's</p>

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1 arm.	1 that she was about to engage in. I don't know what the
2 Q. Okay. I'll play and you can tell me whether or	2 issue is.
3 not this is you.	3 MR. FRIGERIO: We've already gone over this
4 A. Okay.	4 at least 20 times. So I'm going to object to that.
5 (Video played.)	5 BY MS. HOUSE:
6 BY MS. HOUSE:	6 Q. Based on Officer Hooten's video, which I'm
7 Q. Did you recognize yourself in this clip, sir?	7 playing for the first time, where did you see her arm?
8 A. Yes, ma'am.	8 Where was -- excuse me. Where did you see your arm
9 Q. And can you tell me where -- where were you? And	9 located on her body?
10 what were you -- where were you?	10 A. If my arm was anywhere above her shoulders or
11 A. Standing there on the other side of what appears	11 anything, that was entirely her fault. She would have
12 to be Ms. Johnson.	12 never been grabbed at all had she not attacked people.
13 Q. Okay. So that was you giving her a directive.	13 (Video played.)
14 (Video played.)	14 BY MS. HOUSE:
15 BY MS. HOUSE:	15 Q. I'm going to move this clip.
16 Q. This is you right there passing by to the right,	16 (Video played.)
17 correct? You said on the other side of Ms. Johnson. This	17 BY MS. HOUSE:
18 is you right here where I'm pointing in the arrow,	18 Q. Okay. This is you right here, right?
19 correct?	19 A. Yes, ma'am.
20 A. Sure. I can't see. But okay.	20 Q. And what is April Johnson yelling to you? And
21 Q. Okay. You said that was your arm and you see the	21 who is this officer right here?
22 hair flying right here, correct?	22 A. That looks like Officer Carrasco.
23 A. Yes.	23 Q. And what is she telling you?
24 Q. All right. And she goes back, right? A.N.E.R.	24 A. "She's trying to get my daughter."
25 goes back. I'm going to play it again. Can you tell me	25 Q. Okay. April Johnson is in distress, isn't she?
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1 where you pushed her to stop her from closing distance?	1 A. Sure.
2 (Video played.)	2 Q. And she's letting you all know that someone is
3 BY MS. HOUSE:	3 trying to get her daughter, correct?
4 Q. You heard you say "Shut up," correct?	4 A. Well, she's trying to attack people also.
5 A. Sure. I don't know. Sure.	5 Q. Sir, right here, she's not attacking anyone,
6 Q. You don't know, sir?	6 right?
7 A. I don't know if I heard myself say shut up, but I	7 A. Because we pulled her away. She tried to.
8 have no qualm with -- or I have no issues. If you think I	8 People in distress, they don't attack people.
9 said it, I probably did say it. It's something I say	9 Q. Officer Tuli --
10 sometimes.	10 A. Yes, ma'am.
11 Q. I'm going to share with you -- I'm going to share	11 Q. -- I'm asking specific questions. In order for
12 with you Officer Hooten's body camera.	12 this to work, you have to listen to me, right?
13 A. Okay.	13 A. I'm sorry.
14 (Video played.)	14 MR. FRIGERIO: You're being argumentative
15 BY MS. HOUSE:	15 with the witness and I'll object to that.
16 Q. Did you see that, sir?	16 MR. URBIS: Objection; argumentative.
17 A. Yeah. She tried to attack those people. And I	17 BY MS. HOUSE:
18 grabbed her and stopped her from doing it.	18 Q. Officer Tuli, in order for you to answer a
19 Q. You saw your arm around her neck, correct?	19 question, you have to listen to a question, right?
20 A. I grabbed her.	20 A. Yes, ma'am.
21 Q. Where is your arm?	21 MR. URBIS: Objection; argumentative.
22 A. My arm was -- so I grabbed her. I mean, are	22 BY MS. HOUSE:
23 you -- I don't understand where you're going with this. I	23 Q. And when I ask a question, Officer Tuli, these
24 grabbed her. She's shorter than I am. She's lighter than	24 questions require specific answers. Is that fair to say?
25 I am. I grabbed her and carried her away from a fight	25 A. I feel like I'm giving specific answers, but I'll

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<p>1 try to be better.</p> <p>2 Q. Thank you, sir.</p> <p>3 (Video played.)</p> <p>4 BY MS. HOUSE:</p> <p>5 Q. Who is this officer right here, sir? Is that</p> <p>6 Officer Cavazos?</p> <p>7 A. Yeah. It's kind of blurry. But it looks like it</p> <p>8 could be Cavazos. Yes, ma'am.</p> <p>9 Q. And do you see A.N.E.R. right here where I'm</p> <p>10 pointing my mouse, in the purple dress?</p> <p>11 A. Yes, ma'am.</p> <p>12 (Video played.)</p> <p>13 BY MS. HOUSE:</p> <p>14 Q. Okay. And you see her coming -- this is where</p> <p>15 she would be talking to you, right, to the left?</p> <p>16 A. Yes, ma'am.</p> <p>17 (Video played.)</p> <p>18 BY MS. HOUSE:</p> <p>19 Q. Okay. What are you doing for her to head -- her</p> <p>20 head to jerk like that? What's going on?</p> <p>21 A. I'm trying to arrest her. What do you mean?</p> <p>22 Q. Okay. I'll ask. It's jerking back and forth.</p> <p>23 What physical touch would cause her head to jerk forward</p> <p>24 and backward?</p> <p>25 And if you want me to play the clip again,</p>	<p>1 back? Do you see that, sir?</p> <p>2 A. Yes. Did you -- (inaudible).</p> <p>3 Q. No, that's -- Officer Tuli -- Officer Tuli --</p> <p>4 THE REPORTER: You're talking at the same</p> <p>5 time.</p> <p>6 MR. FRIGERIO: He has to be able to answer</p> <p>7 the question. You can't interrupt him after you've</p> <p>8 answered the question (inaudible) --</p> <p>9 MS. HOUSE: But he's also asking me a</p> <p>10 question.</p> <p>11 BY MS. HOUSE:</p> <p>12 Q. And so, Officer Tuli, let me explain how this</p> <p>13 works. You cannot ask me questions unless you're asking</p> <p>14 me to explain the question that I am asking, okay? So I</p> <p>15 am asking the questions, sir.</p> <p>16 A. Okay.</p> <p>17 Q. So what type of physical touch did you exert on</p> <p>18 A.N.E.R. that would cause her head to go back and forth</p> <p>19 like that?</p> <p>20 A. I -- like I said multiple times, I struck her</p> <p>21 with a closed fist --</p> <p>22 Q. Okay.</p> <p>23 A. -- as a compliance strike to her -- as a response</p> <p>24 to her striking me directly in the face unprovoked, by the</p> <p>25 way. She struck me in the face. It took me and three</p>
<p>1 I'll play the clip again.</p> <p>2 A. It could be all kind of things. I don't know</p> <p>3 what you mean by -- I guess what I'm saying is, you said</p> <p>4 her head is jerking back and forth. I don't know. She</p> <p>5 struck me. I did a compliance strike right back. And</p> <p>6 then immediately went to use open/empty hands and placed</p> <p>7 her under arrest. She's clearly not getting in handcuffs</p> <p>8 cooperatively.</p> <p>9 Q. You stated that -- as she's talking, she comes</p> <p>10 towards you, right?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And you stated you pushed her back lightly. Can</p> <p>13 you show me in this clip where you pushed her back?</p> <p>14 (Video played.)</p> <p>15 BY MS. HOUSE:</p> <p>16 Q. Okay. Here, sir, you see A.N.E.R. putting up her</p> <p>17 top right here?</p> <p>18 A. Yes, ma'am.</p> <p>19 (Video played.)</p> <p>20 BY MS. HOUSE:</p> <p>21 Q. Okay. Her head goes back and then it goes</p> <p>22 forward. I want you to watch, sir.</p> <p>23 (Video played.)</p> <p>24 BY MS. HOUSE:</p> <p>25 Q. Did you see her head go forward, back, forward</p>	<p>1 other officers to arrest her.</p> <p>2 The fact that she jerked back and forth, I'm</p> <p>3 not a physicist. I don't know. I don't know what would</p> <p>4 cause her head to do that. But I responded to a -- an</p> <p>5 attack of a police officer with the exact appropriate --</p> <p>6 with exactly the appropriate amount of force used.</p> <p>7 Q. I'm going to play it again. Tell me where you</p> <p>8 pushed her in order to stop her from closing distance.</p> <p>9 (Video played.)</p> <p>10 A. Stop right here. And she gets a push right</p> <p>11 around this time and --</p> <p>12 Q. Okay. Can you pause? I want to see the push.</p> <p>13 So pause -- we're going to -- because she's coming forward</p> <p>14 according to this clip, to you, right?</p> <p>15 A. Yes, ma'am. Yes, ma'am.</p> <p>16 Q. Okay. And you said you pushed her right here.</p> <p>17 So let me play where you're saying -- I see that 3.0 --</p> <p>18 3 minutes and one second into Officer Willie Hooten's body</p> <p>19 camera you push her. I'm going to press play.</p> <p>20 (Video played.)</p> <p>21 BY MS. HOUSE:</p> <p>22 Q. Okay. The only time you see her go back is when</p> <p>23 her head goes back and forth. A push would not cause her</p> <p>24 head to go back and forth. Is that fair to say, sir?</p> <p>25 A. Yeah. I mean, I didn't shove the crap out of</p>

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1 her. I created some space. I put my hand out, you know. 2 I put my hand out and gave her a push and then she 3 attacked me. 4 Q. Okay. 5 (Video played.) 6 BY MS. HOUSE: 7 Q. April Johnson is yelling out that her daughter is 8 14, correct, sir? 9 A. Yes, ma'am. 10 Q. She's also yelling out as she watches you 11 interact with her daughter, correct? 12 A. She watches three officers have to forcibly take 13 her daughter into custody, yes, ma'am. 14 Q. I'm going to continue pressing play, sir. 15 (Video played.) 16 BY MS. HOUSE: 17 Q. And this is the vehicle where you had (Redacted), 18 correct? 19 A. Well, this is where we ended up, yes, ma'am. 20 Q. A.N.E.R. Okay. 21 (Video played.) 22 BY MS. HOUSE: 23 Q. Around 3:47, someone says, "Pull her shirt up." 24 Okay? I want you to listen for that, okay? 25 A. Yes, ma'am.	1 THE WITNESS: You can look at Jessica's 2 camera and Cavazos' camera. We're sitting there trying to 3 get her shirt. I even told her to stop moving. And she 4 doesn't stop moving. She -- we walk her away. We put her 5 somewhere where -- out of view because she still won't let 6 Jessica -- by the way, I don't think it would be 7 appropriate for myself or Cavazos to adjust her shirt. 8 But she won't let Jessica fix her shirt. 9 BY MS. HOUSE: 10 Q. I'm going to play this again. And based on 11 Willie Hooten's camera, tell me where you hear yourself 12 telling her to stop moving so you can -- 13 A. You can't hear it on Willie Hooten's camera. But 14 go and listen to it on Jessica's camera. You can hear me 15 telling her fix her shirt, fix her shirt. And she won't 16 allow us to fix her shirt. 17 Q. Tell me when you told her to stop moving so you 18 can fix her shirt. Where can we find that? 19 A. Okay. So again, if you look at the other camera, 20 it was clear that we made a solid attempt to fix her shirt 21 or fix her top. She didn't allow us. At no point in this 22 interaction did we decide, hey, you know, let's let all 23 these people look at her. She did not allow us to fix her 24 shirt. 25 Then when we tried to get her away from the
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1 (Video played.) 2 BY MS. HOUSE: 3 Q. Okay. Do you hear her -- actually, it's A.N.E.R. 4 saying, "Can you pull my shirt up?" Do you hear her? 5 A. Yeah. We had -- Officer Osoria, she tried to 6 pull her shirt up and she wouldn't let us. So we took her 7 away from this crowd. And we tried to fix her shirt 8 again. She still wouldn't let us. And then we put her in 9 the back of the patrol vehicle. This is all her fault. 10 Q. All right. But here she's asking for you all to 11 pull her shirt up; is that correct? 12 A. We already tried. 13 Q. Okay. But, sir, right here she's saying, "Pull 14 my shirt up." Right? 15 A. Okay. 16 Q. Okay. 17 (Video played.) 18 BY MS. HOUSE: 19 Q. Do you hear someone in the background saying, 20 "Pull her shirt up. Her litties are hanging out"?" 21 A. Sure. Yeah. I heard that. 22 Q. So if your claim was that she wasn't letting you 23 pull her shirt up, her words don't match what you said her 24 body was doing. Is that fair to say? 25 MR. FRIGERIO: Objection; form.	1 crowd, she starts yelling fix my shirt, at which point 2 it's clearly not safe to just stop right there and adjust 3 things. So we tried to adjust her shirt on the other 4 side, and she still did not let us. So we put her in the 5 back of the vehicle. This is all her fault. 6 And it's all on camera. It doesn't matter 7 if it's on Willie Hooten's camera or not. It's all on 8 Jessica's camera multiple times, hey, Jessica, fix her 9 shirt, fix her shirt. And she does not allow us to do it 10 because she -- I don't know why. But she didn't allow us 11 to do it. 12 Q. Are you upset right now, Officer Tuli? 13 A. Not even -- not even a little bit. 14 Q. Okay. I don't want to make you upset because I 15 told you I was going to be polite and professional so that 16 wasn't my goal. 17 MR. FRIGERIO: Object; argumentative. 18 THE WITNESS: No. If I'm coming off as 19 upset, I'm sorry. I didn't mean to. I'm not upset at 20 all. I can get very animated when I talk. You've been 21 watching videos of me for several hours now. You can see 22 I get pretty animated, so... 23 But I'm not upset at all. 24 BY MS. HOUSE: 25 Q. I'm going to show you Officer Reed Hensley's body

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<p>1 camera now.</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Can you see it?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Okay. I want to make sure I shared the screen.</p> <p>6 (Video played.)</p> <p>7 BY MS. HOUSE:</p> <p>8 Q. Okay. This is you, sir, right?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. And you are explaining to Sergeant Hensley what happened, correct?</p> <p>11 A. Yes, ma'am.</p> <p>13 Q. Okay. And is this the part where you call a debriefing?</p> <p>15 A. I guess you can call it that. Yes, ma'am.</p> <p>16 Q. And there's a lot of officers around as you all are talking, right? We see an officer here?</p> <p>18 A. Yeah.</p> <p>19 Q. Okay.</p> <p>20 (Video played.)</p> <p>21 BY MS. HOUSE:</p> <p>22 Q. Did you see yourself bring an 8-year-old kid over there at that point in the video that I showed you?</p> <p>24 A. I thought Sarah brought the kids over.</p> <p>25 Q. Okay.</p>	<p>1 and answered.</p> <p>2 BY MS. HOUSE:</p> <p>3 Q. Sir?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. When you square up, are you still approaching someone at that point?</p> <p>7 A. Depends on who the person squaring up is. It depends.</p> <p>9 Have you ever had anybody square up on you?</p> <p>10 People do all kind of different things when they square up on you.</p> <p>12 Q. And, Officer Tuli, as much as I'd love to answer your questions, the deposition format doesn't allow me to.</p> <p>14 A. I understand. I'm sorry.</p> <p>15 Q. I'm sorry. And I'm not trying to be rude.</p> <p>16 A. No. That was one of those, what do they call it -- you know what I'm talking about. Sorry.</p> <p>18 Q. I understand. I'm going to rewind a little bit.</p> <p>19 But you told Sergeant Hensley she called you a white motherfucker; is that correct?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. We now know that wasn't a true statement?</p> <p>23 A. We do know that she did call me a racial slur.</p> <p>24 And I told you I was only off by a few seconds.</p> <p>25 Q. But it didn't happen at the time that you said it</p>
<p>1 (Video played.)</p> <p>2 BY MS. HOUSE:</p> <p>3 Q. You told Sergeant Hensley that A.N.E.R. squares up, right?</p> <p>5 A. Uh-huh.</p> <p>6 Q. In all the videos that we've seen -- there's been several shots.</p> <p>8 A. Uh-huh.</p> <p>9 Q. At no point does she square up. Is that fair to say?</p> <p>11 A. No, not at all, ma'am. She -- she clearly -- that video we just saw with -- with Willie Hooten, she clearly squared up. She fixed her top and squared right up to me and screamed at me. That is a clear -- that is a clear, for lack of a better term, "square up."</p> <p>16 Q. So you're considering her squaring up when -- well, she was walking towards you as she said, "Don't talk to my mama that way," wasn't she, sir?</p> <p>19 A. Yep. She was fixing her top getting ready to fight. It was clear.</p> <p>21 Q. Sir, she was walking towards you as she talked to you. Because you said that she was closing in, quote, "she closed distance on you." That's in your police report, right?</p> <p>25 MR. URBIS: Objection. Argumentative; asked</p>	<p>1 happened, right?</p> <p>2 A. It still happened.</p> <p>3 Q. Right. But you said it was off by a few seconds.</p> <p>4 But to be clear, it didn't happen at the time that you said it happened, right?</p> <p>6 A. Yeah, because I was remembering. We're in a -- we're at the, you know, the back end of a riot here.</p> <p>8 Adrenaline is running high. Officers are finally starting to get things under control.</p> <p>10 Yeah. I had no problem with explaining the story to Sergeant Hensley the way I did.</p> <p>12 Q. Okay.</p> <p>13 A. That was the way I was remembering it.</p> <p>14 Q. But based on -- who was going -- who had the -- who was the ultimate -- who was going to ultimately determine whether or not A.N.E.R. was going to jail that night?</p> <p>18 A. It was going to be Sergeant Hensley and myself and Officer Osoria.</p> <p>20 Q. So a collectively -- you all made the decision that she was going to go?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. If Sergeant Hensley disagreed that she shouldn't go, but you and Officer Osoria said she should, what would have happened then?</p>

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1 A. We would have listened to Sergeant Hensley.	1 A. Okay.
2 Q. Okay.	2 Q. Your police report says, "I pushed her back
3 A. He's the supervisor.	3 lightly."
4 Q. Okay. Thank you for clarifying.	4 A. Okay. Sounds like my police report is more
5 (Video played.)	5 accurate.
6 BY MS. HOUSE:	6 Q. Okay. There's a discrepancy between, again, what
7 Q. Okay. You said the girl was 15. You heard that?	7 you told Sergeant Hensley and what's in your report here.
8 A. Yes, ma'am.	8 A. Yeah. What I told Sergeant Hensley isn't an
9 Q. But she wasn't 15, was she?	9 official police report. There's all kind of --
10 A. No, apparently not.	10 Q. Great. You're right. What you told Sergeant
11 Q. You heard her mother say, "My daughter is 14"	11 Hensley is not an official police report. Agreed. Okay?
12 several times that night, correct?	12 Because an official police report is what we put on the
13 A. Okay.	13 screen earlier. It's the form you fill out, right?
14 Q. Yes, sir? "Yes" or "no"?	14 A. Yes, ma'am.
15 A. I heard her mother yelling all kind of stuff.	15 Q. And when does Sergeant Reed Hensley see your
16 Q. Do you -- we went over the video, sir, and you	16 police report?
17 heard her say, "My daughter is 14." Yes, sir?	17 A. When we submit it the next day.
18 A. Going over the video is one thing. We -- when I	18 Q. Okay. Next day. By that time, A.N.E.R. was
19 was telling my sergeant what happened, I was telling him	19 already incarcerated, correct?
20 how I was remembering it was happening.	20 A. Yes, ma'am.
21 Whether she was 14 or 15, the facts are she	21 Q. Okay. I'm going to keep playing the tape.
22 attacked a police officer for no reason at all and I put	22 (Video played.)
23 her under arrest.	23 BY MS. HOUSE:
24 MS. HOUSE: Objection; nonresponsive.	24 Q. You slammed her up against the car is what you
25 BY MS. HOUSE:	25 told Sergeant Hensley, right?
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1 Q. A.N.E.R. at that time on that incident was 14,	1 A. Okay.
2 yes? Just "yes" or "no"?	2 Q. "Yes" or "no"?
3 A. Yes, ma'am.	3 A. Oh, yes, ma'am.
4 (Video played.)	4 Q. Okay. Do you believe that that force was
5 BY MS. HOUSE:	5 appropriate, to slam her up against the car?
6 Q. Okay. Here, you're telling Sergeant Hensley that	6 A. Yes, ma'am. I think what I did was the exact
7 you pulled her back. In your report, officer report --	7 appropriate amount of force necessary to effect an arrest.
8 I'm going to pull up your officer report. I'm going to	8 Q. Who was with you at that time, sir? It was
9 stop sharing here. I'm going to pull up your officer	9 another officer with you.
10 report. And we can scroll down as much as you would like	10 A. When we arrested A.N.E.R. or --
11 for us to do. Tell me where you state you pulled A.N.E.R.	11 Q. When you arrested A.N.E.R.
12 back.	12 A. It was myself, Officer Cavazos, and Jessica
13 I have the police report up. Just tell me	13 Osoria.
14 and I can point my --	14 Q. Okay. I'm going to go back to your police
15 A. I don't see it.	15 report, and I'm going to ask where you put in your police
16 Q. I'm going to move down to the second page so you	16 report that you slammed A.N.E.R. against the car, okay?
17 can see the rest of your report.	17 A. Yeah. I don't see it there.
18 A. Okay. Yeah. I don't see where I wrote that.	18 Q. Okay. I'm going to go back down so you can see.
19 Q. Okay. Not a problem. I'm going to go back to	19 Go ahead.
20 the video.	20 A. I don't see it there either.
21 A. Okay.	21 Q. All right. In fact, what it says is, on the
22 (Video played.)	22 second line, it says -- on the second line, it says,
23 BY MS. HOUSE:	23 "Officer Osoria assisted me with pulling her hands
24 Q. You said you pulled her back before she	24 behind her back and placing her in handcuffs."
25 squares -- squared up.	25 Do you see that?

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1	A. Yes, ma'am.		1 I mean, you want me to punch at a screen? What -- this is
2	Q. Okay. The first line says, "At that time I		2 strange.
3	immediately struck her back in the face with a closed		3 Q. You don't punch at screens. You punch at people,
4	fist and grabbed her arms, pulled them back -- pulled		4 right?
5	them behind her back."		5 A. Yeah. People who punch at me, yes, ma'am,
6	Is that correct?		6 absolutely. Violent people need to be arrested for
7	A. Yes, ma'am.		7 assaulting a police officer. They get struck back, yes,
8	Q. Okay. So, according to this, you struck her in		8 ma'am.
9	the face with a closed fist. And you told me earlier you		9 Q. If your daughter punched you, would you punch her
10	only struck her once; is that correct?		10 back?
11	A. Yes, ma'am.		11 A. My daughter wouldn't punch me. If my daughter
12	Q. The one time you struck her, was it -- if you		12 punched a police officer, I would expect though that a
13	could describe to me -- I'm going to stop sharing the		13 police officer punched her back and arrested her. I would
14	screen. Can you describe to me exactly how you punched		14 expect that a police officer used the appropriate level of
15	her? Can you show us in the camera how you punched her?		15 force to arrest my daughter if she punched a police
16	A. I don't know -- do you want me to act out a		16 officer, yes, ma'am.
17	punch? I don't know. It was a reactionary compliance		17 Q. Okay. And you believe that if a child punches
18	strike --		18 you, an appropriate level of force would be to punch them
19	Q. Okay.		19 back?
20	A. -- based on her actions striking me. It happened		20 A. It depends. But in this situation, absolutely,
21	extremely fast. Once I struck her, we put her in		21 yes, ma'am.
22	handcuffs and arrested her.		22 Q. What made this situation different?
23	Q. Okay. Can you act out your punch, please?		23 A. She assaulted me really hard. I don't know what
24	A. (Witness complies.)		24 else. Are you asking me if children should not be
25	Q. Okay. It went up? Your punch went up by her		25 arrested? I don't know what you -- what you --
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1	chin?		1 Q. That's not what I asked.
2	A. I'm sorry. This is silly. But what do you want		2 A. The General Manual, the Code of Criminal
3	me to do? This is --		3 Procedure, everything allows me to take the action that I
4	Q. I would like to know -- I wasn't there,		4 took. I -- again, I was assaulted by a violent teenager
5	Officer Tuli. And I apologize if what I'm asking you		5 who I didn't know was a teenager at the time. I had no
6	seems silly, okay? I'm not trying to be silly. Because I		6 idea who this girl was. I never met her before in my
7	don't believe that taking your time right now should be		7 life. She assaulted me. I did a compliance strike and
8	played with; is that fair?		8 used open/empty hands to arrest her. I don't know what
9	A. Thank you, ma'am.		9 else there is to say about that.
10	MR. FRIGERIO: Object to the sidebar remarks		10 Q. Okay. You just said you didn't know she was a
11	of counsel.		11 teenager.
12	BY MS. HOUSE:		12 A. Right. I don't -- there was so many people
13	Q. Could you please just demonstrate -- because I		13 there.
14	wasn't there. And we've seen the camera footage. Can you		14 Q. When did you find out she was a teenager?
15	demonstrate what it looked like?		15 A. I can't recall. Probably at some point in the
16	MR. URBIS: Objection; asked and answered.		16 arrest process.
17	He's already done it and --		17 MR. URBIS: Can I ask during this break
18	MS. HOUSE: Okay.		18 where we are on our time?
19	BY MS. HOUSE:		19 THE REPORTER: Just give me a second to
20	Q. To be clear, I've seen two different ways that		20 figure it out. It was five hours and 23 minutes when we
21	you did it; one went up and one went like this		21 started at 4:24. So if anybody wants to help me out with
22	(indicating). So if you could just -- which one would be		22 the time.
23	more accurate? The first one that went up or would it be		23 MR. URBIS: About 6.20?
24	the second one where you just went like this?		24 THE REPORTER: Yeah, about 6.20.
25	A. Ma'am, again, I don't know how -- this is silly.		25 MR. URBIS: Okay.

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<p>1 MS. HOUSE: I'm sorry. I didn't hear. How 2 much time do we have left?</p> <p>3 THE REPORTER: Forty minutes.</p> <p>4 MS. HOUSE: You said 40 minutes?</p> <p>5 THE REPORTER: Yes, ma'am.</p> <p>6 MS. HOUSE: Thank you.</p> <p>7 BY MS. HOUSE:</p> <p>8 Q. Okay. Officer Tuli, I'm going to share with you 9 -- continue to share with you Officer Hensley's body 10 camera footage, okay?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. I'm going to start at 31:028.</p> <p>13 (Video played.)</p> <p>14 BY MS. HOUSE:</p> <p>15 Q. Okay. To be clear, this is you, right, 16 Officer Tuli?</p> <p>17 A. I can't tell. If you say so, yes, ma'am. I 18 can't tell.</p> <p>19 Q. Listen for the voice if you can't see the 20 picture, please.</p> <p>21 (Video played.)</p> <p>22 BY MS. HOUSE:</p> <p>23 Q. This is you, right? To the right, correct?</p> <p>24 My -- okay.</p> <p>25 (Video played.)</p>	<p>Page 262</p> <p>1 Q. But your goal was when you punched, you said your 2 goal was to make contact with her face and that's what you 3 did, right?</p> <p>4 A. Well, yes, ma'am.</p> <p>5 Q. Thank you.</p> <p>6 A. My goal was to effect an arrest.</p> <p>7 Q. What other -- what other alternatives could you 8 have used in order to effect an arrest?</p> <p>9 A. I could have used a TASER. I could've used a 10 stick or baton. I could have used pepper spray. I could 11 have tackled her. I don't know. What do you mean?</p> <p>12 There's all kind of ways to effect an arrest.</p> <p>13 Q. Let me explain what I mean. There's an 14 escalation when it comes to tactics that you use for use 15 of force; is that correct?</p> <p>16 A. Yes, ma'am. So at this point, I -- we used every 17 single level of force necessary to get to where we were. 18 We started off with verbal presence or with mere presence. 19 Then we went on to verbal de-escalation. Then we went to 20 physically restraining people. And then it went to actual 21 use of force when she struck me. We walked up the force 22 continuum perfectly.</p> <p>23 Q. Okay. And I don't have a lot of time, 24 Officer Tuli. So I just want to be clear, were you 25 injured?</p>
<p>1 //</p> <p>2 BY MS. HOUSE:</p> <p>3 Q. You're talking to Sergeant Hensley, right?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Who is this right here?</p> <p>6 A. I can't tell.</p> <p>7 Q. Okay.</p> <p>8 (Video played.)</p> <p>9 BY MS. HOUSE:</p> <p>10 Q. What does he mean by "pulled your punch"?</p> <p>11 A. Did I hit her softly.</p> <p>12 (Video played.)</p> <p>13 BY MS. HOUSE:</p> <p>14 Q. You said if you would have punched her, she would 15 have died. Did you hear yourself say that?</p> <p>16 A. Yes, ma'am. I was making a joke to my 17 supervisor.</p> <p>18 Q. So you think it's worth joking about that if you 19 punch someone they would have died?</p> <p>20 MR. FRIGERIO: Objection; argumentative.</p> <p>21 THE WITNESS: Do I answer that?</p> <p>22 BY MS. HOUSE:</p> <p>23 Q. Yes, sir. You answer.</p> <p>24 A. Oh, yeah. I think it's okay to make jokes. Yes, 25 ma'am.</p>	<p>Page 263</p> <p>Page 265</p> <p>1 A. Yes, ma'am. I had pain and I had some swelling 2 in my left face.</p> <p>3 Q. You had swelling in your left face?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Where --</p> <p>6 A. Redness and swelling right on the left side.</p> <p>7 Yes, ma'am.</p> <p>8 Q. Where did you get hit? Point to your face where 9 you got hit.</p> <p>10 A. Right around this area (indicating).</p> <p>11 Q. Okay. You got hit up here, upper -- right below 12 your eye?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Okay. So left below eye. Okay. 15 Did you get hit on the other side below your 16 eye?</p> <p>17 A. No, ma'am.</p> <p>18 Q. All right. I'm going to share with you -- I'm 19 back to Officer -- can you see the screen?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. This is still Sergeant Hensley's footage, around 22 9:04.</p> <p>23 (Video played.)</p> <p>24 BY MS. HOUSE:</p> <p>25 Q. Did you see where you pointed to Sergeant</p>

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<p>1 Hensley, sir?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. You pointed to your left chin area, right?</p> <p>4 A. I pointed to the left side of my face, ma'am.</p> <p>5 Q. You said "right here," and your hand went to your left chin.</p> <p>6 A. Okay. Right here, my face (indicating). I got hit in the face.</p> <p>7 Q. But where you pointed to Sergeant Hensley, to be clear, yes or no, was the left side of your chin, correct?</p> <p>8 A. I pointed to the left side of my face.</p> <p>9 Q. Did you tell anyone else that night that you got hit on your chin?</p> <p>10 A. I don't know.</p> <p>11 Q. If you did, would you have been lying?</p> <p>12 A. No.</p> <p>13 Q. How is it possible then that you got hit both in your chin and underneath your eye?</p> <p>14 A. Ma'am, I got hit in the left side of my face. I got hit here, here (indicating), okay? I got hit in the face.</p> <p>15 Q. And I can't see you because I'm sharing my screen. Where is "here"?</p> <p>16 A. Here. I got hit in this side of my face.</p> <p>17 Q. Okay.</p>	<p>1 //</p> <p>2 BY MS. HOUSE:</p> <p>3 Q. Where?</p> <p>4 A. On the left side of my face.</p> <p>5 Q. Where on the left side of your face?</p> <p>6 A. Right here, ma'am. I got hit right here, okay?</p> <p>7 Right here (indicating). I don't know how else to say it.</p> <p>8 MR. FRIGERIO: It's been asked and answered at least 10 times. Let's move on.</p> <p>9 BY MS. HOUSE:</p> <p>10 Q. So now are you pointing to your cheek? Just to be clear.</p> <p>11 A. I'm pointing to my face. I got hit in the face.</p> <p>12 Q. Where on your face, on the left side of your face, sir?</p> <p>13 MR. URBIS: Asked and answered multiple times.</p> <p>14 THE WITNESS: I don't know what else -- how to answer this. I was struck in the face.</p> <p>15 BY MS. HOUSE:</p> <p>16 Q. Were you struck on your cheek? Yes or no.</p> <p>17 A. This -- that counts as my face, right, ma'am?</p> <p>18 Q. Yes or no, were you struck on your cheek?</p> <p>19 A. Yes. This is my face. The left side of my face is where I was struck, yes.</p>
<p>1 A. Left side of the face, I was hit here (indicating).</p> <p>2 Q. I asked you specifically whether or not you got hit right under your eye on the left side and you --</p> <p>3 A. My face. I have a whole face here. Yes, ma'am.</p> <p>4 I got hit in the face. I have a whole face over here.</p> <p>5 Q. Mr. Tuli, for the court reporter, she can't --</p> <p>6 I'm not going to talk over you. So I'll let you respond, okay?</p> <p>7 I asked you before to be clear where you got hit. You said underneath the left side of your eye. Do you recall -- and I specifically asked you where you got hit, I said, underneath your eye, right underneath your eye? You said, yes, right underneath your eye because that's where you pointed out the redness was, right?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. When I asked you, you didn't point generally to the left side of your face. You specifically targeted a point, right?</p> <p>10 MR. URBIS: Objection. Argumentative; asked and answered.</p> <p>11 BY MS. HOUSE:</p> <p>12 Q. Officer Tuli, where did you get hit?</p> <p>13 A. In the face.</p> <p>14 MR. URBIS: Objection; asked and answered.</p>	<p>1 Q. All I need is a "yes" or "no," not extra commentary. Were you struck on your cheek? Yes or no?</p> <p>2 MR. FRIGERIO: Objection, form.</p> <p>3 A. (Inaudible).</p> <p>4 BY MS. HOUSE:</p> <p>5 Q. I'm sorry. I couldn't hear you.</p> <p>6 Just your cheek, yes or no, were you struck on your cheek?</p> <p>7 A. Struck in -- yes, this area (indicating), yes, ma'am.</p> <p>8 Q. Thank you. Were you struck underneath your eye? Yes or no?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. Were you struck on the left side of your chin? Yes or no?</p> <p>11 A. No, ma'am. I was struck here (indicating).</p> <p>12 Q. Were you struck on the left side of your nose? Yes or no?</p> <p>13 A. Yeah, left side of my nose. Yes, ma'am.</p> <p>14 Q. Were you struck on the left side of your lips? Yes or no?</p> <p>15 A. Yeah, upper -- yes, ma'am.</p> <p>16 Q. Were you struck on the left side of your ear? Yes or no?</p> <p>17 A. MR. FRIGERIO: Objection. That's ridiculous. (Inaudible).</p> <p>18 MS. HOUSE: I'm going to --</p>

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<p style="text-align: right;">Page 270</p> <p>1        THE REPORTER: I'm sorry. What?</p> <p>2        MR. FRIGERIO: He's not going to answer</p> <p>3 silly questions like that. He's already answered it 20</p> <p>4 times. Left side of his face. Let's go.</p> <p>5        MS. HOUSE: I'm going to object to the</p> <p>6 nonlegal objection and the sidebar.</p> <p>7        MR. URBIS: I'm objecting to the continual</p> <p>8 harassment, repeated questions he's answered and the</p> <p>9 argumentative nature.</p> <p>10       MS. HOUSE: Thank you, Counsel. Noted.</p> <p>11 That's not a legal objection.</p> <p>12 BY MS. HOUSE:</p> <p>13       Q. Sir, I'm going to show you another -- I'm going</p> <p>14 to share my screen.</p> <p>15       (Video played.)</p> <p>16 BY MS. HOUSE:</p> <p>17       Q. Do you see this video, sir?</p> <p>18       A. Yes, ma'am.</p> <p>19       Q. This is a civilian video that was submitted. And</p> <p>20 you see A.N.E.R., she's right here in the purple dress,</p> <p>21 okay?</p> <p>22       A. Uh-huh.</p> <p>23       (Video played.)</p> <p>24 BY MS. HOUSE:</p> <p>25       Q. Okay. And here, you see you strike her, correct?</p>	<p style="text-align: right;">Page 272</p> <p>1 mean, if you're asking me how many times I struck her,</p> <p>2 easy; one time. If you're asking me how many times I</p> <p>3 moved my arm and blinked my eyes, that's silly. I don't</p> <p>4 know.</p> <p>5 BY MS. HOUSE:</p> <p>6       Q. If I tell you that A.N.E.R. says you struck her</p> <p>7 multiple times --</p> <p>8       A. I would tell you A.N.E.R. is a liar.</p> <p>9       Q. Let me finish my question.</p> <p>10       A. Oh, I'm sorry.</p> <p>11       Q. Okay. Would this video support her side or</p> <p>12 yours? I'm going to play it for you.</p> <p>13       (Video played.)</p> <p>14 BY MS. HOUSE:</p> <p>15       Q. Which side would it support?</p> <p>16       A. Yeah. I clearly only struck her one time. I</p> <p>17 can't see what you're showing, but I'm telling you I</p> <p>18 struck her one time. If I struck her multiple times, I</p> <p>19 would say. I have no problem with that. I struck her one</p> <p>20 time.</p> <p>21       Q. Okay. And at this time, you can see her top has</p> <p>22 come off. I want you to watch where her top comes off.</p> <p>23       (Video played.)</p> <p>24 BY MS. HOUSE:</p> <p>25       Q. Do you see that her breasts have become unclothed</p>
<p style="text-align: right;">Page 271</p> <p>1       A. It appears so. Yes, ma'am.</p> <p>2       Q. Okay. I'm going to ask you -- all right. Sir,</p> <p>3 you pulled back several times. Why is that?</p> <p>4       A. What do you mean I pulled back several times?</p> <p>5       Q. Your right arm pulled back several times. I'm</p> <p>6 going to show you. I want you to count how many times</p> <p>7 your arm pulled back.</p> <p>8       (Video played.)</p> <p>9 BY MS. HOUSE:</p> <p>10       Q. How many times did your arm pull back, sir?</p> <p>11       A. I can't tell, but -- are you asking me how many</p> <p>12 times I punched her?</p> <p>13       Q. Yes, sir.</p> <p>14       A. Yeah, one time.</p> <p>15       Q. Okay. How many times did you pull your arm back?</p> <p>16       A. I don't know. That's like asking me how many</p> <p>17 steps did I take. I don't know.</p> <p>18       Q. I'm going to allow you to look at the video and</p> <p>19 if you could tell me.</p> <p>20       (Video played.)</p> <p>21       THE WITNESS: The way it's coming across</p> <p>22 right here -- I mean, I've seen this video before,</p> <p>23 obviously. But the way it's coming across right here,</p> <p>24 it's really blurry. I can't see much of anything. I can</p> <p>25 see some colors and some lights. But how many times -- I</p>	<p style="text-align: right;">Page 273</p> <p>1 at this point?</p> <p>2       A. I can't see on this video, but I have seen this</p> <p>3 video before.</p> <p>4       Q. Okay. Did you see in the video her breasts come</p> <p>5 exposed at that point?</p> <p>6       A. To be honest, no. I don't remember the video</p> <p>7 showing her -- I'm not -- her breasts clearly became</p> <p>8 exposed. I don't know if it became exposed during this</p> <p>9 time or off camera. I don't know.</p> <p>10       Q. Do you remember when her breasts became exposed?</p> <p>11       A. No. No.</p> <p>12       Q. Do you believe it would be important to know when</p> <p>13 a juvenile -- and at that -- in your custody when her</p> <p>14 private parts became exposed to the public? Do you</p> <p>15 believe that's important?</p> <p>16       A. Well, to the best of our knowledge, what we need</p> <p>17 to do is make sure she's no longer exposed to the best of</p> <p>18 our ability, and we did that.</p> <p>19       Q. Okay. I'm going to show you -- share the screen</p> <p>20 with you what has been marked as Section 3.04 to you.</p> <p>21       Do you see this section, sir?</p> <p>22       A. Yes, ma'am.</p> <p>23       Q. And what do you recognize it to be?</p> <p>24       A. This is the General Manual.</p> <p>25       Q. Okay. And according to this General Manual that</p>

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<p style="text-align: right;">Page 274</p> <p>1 you pulled up on the screen, 3.04 reads as such. I'm 2 going to scroll down to 3.04. 3 A. Okay. 4 Q. Okay. It says, "Responsibility to serve the 5 public." Is that correct? 6 A. Yes, ma'am. 7 Q. And part of 3.04 states that, in part B, "Members 8 shall be courteous, kind, patient, and respectful when 9 dealing with the public." Correct? 10 A. Yes, ma'am. 11 Q. "And shall strive to merit the esteem of all 12 law-abiding citizens by impartial discharge of official 13 duties." Is that correct? 14 A. Yes, ma'am. 15 Q. Okay. And also -- one moment. Part of the 16 section requires that: "Members shall serve the public 17 through direction, counseling, assistance, and 18 protection of life and property." 19       Correct? 20 A. Yes, ma'am. 21 Q. Okay. And "Members should also respect the 22 rights of individuals and perform their services with 23 honesty, sincerity, courage, and sound judgment." 24       Is that correct? 25 A. Sure. Yes, ma'am.</p>	<p style="text-align: right;">Page 276</p> <p>1 thing we can do to keep her covered up was put her in the 2 back of the vehicle where no one could see her. 3 Q. Now, as you dragged her, no one was blocking her 4 as you -- in the video clip that we saw, no one was 5 blocking her chest. And so, to be fair, she was exposed 6 to the public. That's what happened, right? 7 A. Yes, ma'am. 8 Q. And you stated she was struggling. She wouldn't 9 let us -- her -- us pull her top up, right? 10 A. Yes, ma'am. 11 Q. Though that didn't match the audio which stated 12 she's asking, can you pull my top up, right? 13 A. But we -- I mean, I don't know if we have time, 14 but you never went to Cavazos' camera or Jessica's camera 15 where we immediately, you know, we immediately tried to 16 address that in a large crowd of multiple men, boys and 17 such. And so based on the totality of circumstance, we 18 got her away from that crowd. She was the one who didn't 19 allow Jessica to fix her top. When we got her to the 20 vehicle, she still didn't allow Jessica to fix her top. 21 So we hid her from the public. 22 Q. Why isn't there body camera footage that shows 23 she's not allowing that to happen? 24 A. There is. Did I miss something? There is. 25 Q. Sir, we didn't see body camera footage today.</p>
<p style="text-align: right;">Page 275</p> <p>1 Q. You believe -- I'm going to unshare my screen -- 2 that it was sound judgment that A.N.E.R. -- actually, let 3 me ask you. How long was A.N.E.R. unclothed? 4 A. From what I understand, if I remember correctly, 5 maybe a minute or so before she was able to get put in the 6 back of the police vehicle. 7 Q. One minute? 8 A. Maybe. Like I said, if memory serves me 9 correctly, give or take. 10 Q. And then when she was in the police vehicle -- 11 whose police vehicle was she placed in? 12 A. I can't even remember, to be honest. I don't 13 know. 14 Q. If I told you it was your police vehicle, would 15 you have any reason to believe that that was not the case? 16 A. No. I would believe that. That's fine. 17 Q. Would it be proper for her to have been placed in 18 your vehicle after having a confrontation with you? 19 A. Yes, ma'am. 20 Q. Do you believe that it was proper that an 21 unclothed juvenile be placed in a male police officer's 22 vehicle? 23 A. Yes, ma'am. Based on the totality of the 24 circumstance, based on everything that was going on, you 25 know, dozens of people there, violent suspect, the best</p>	<p style="text-align: right;">Page 277</p> <p>1 A. Well, you didn't show it today, but Jessica 2 Osoria's camera for sure shows that we immediately 3 addressed that. We immediately addressed that. Did you 4 not look at that? 5 Q. Officer Tuli, I'm not arguing with you, sir. 6 A. I'm not -- I'm just saying you're saying things 7 and I'm correcting you. I'm not arguing with you. 8 Q. Officer Tuli, I'm going to share your rear camera 9 with you, okay? 10 A. Okay. 11 Q. This is your vehicle. Can you see it? 12 A. Yes, ma'am. 13       (Video played.) 14 BY MS. HOUSE: 15 Q. All right. You'll see A.N.E.R. The door opens. 16 She gets in the vehicle around 15:43. Okay? 17 A. Okay. 18 Q. At that time -- so 15:43. I'm going to -- all 19 right. I'm just going to play. 20       (Video played.) 21 BY MS. HOUSE: 22 Q. What do you describe is going on in your vehicle? 23 A. A suspect is crying in the back seat. 24 Q. And her breasts are exposed, correct? 25 A. Yes, ma'am. Not to the public, just to clarify.</p>

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1 The public cannot see her at this point. The windows are 2 tinted. No one can see inside this video. And the reason 3 we placed her in the back of the vehicle was specifically 4 because she would not allow Officer Osoria to adjust her 5 top.	1 your body camera. 2 A. Sure. Yeah. Probably a lot of people. 3 Q. Who else? You told Sergeant Hensley?
6 Q. But when she was placed in the vehicle, not once 7 does your camera pick up that Officer Osoria tries again 8 to put her top up, right? You don't see that.	4 A. Uh-huh. Internal Affairs, the – probably the 5 Youth Services people when I took her to jail. All kind 6 of people.
9 A. Well, take that up with Officer Osoria. Do you 10 want me to go in and adjust her top?	7 Q. You told my client's uncle?
11 Q. Officer Tuli, you are right there with Officer 12 Osoria when she places A.N.E.R. in your vehicle, yes?	8 A. Oh, yeah. Yes, ma'am.
13 A. Yes, ma'am. And like I said --	9 Q. I'm going to share the screen.
14 Q. I'm asking the question --	10 You told my client's brother, right?
15 THE REPORTER: One at a time.	11 Because we saw that one, right?
16 BY MS. HOUSE:	12 A. I think so, yeah. I told somebody who was part
17 Q. As soon as you see A.N.E.R. in the vehicle, I 18 want you to point out to me where as soon as this child is 19 placed in your vehicle where you see for the first time 20 someone comes to pull this child's top on her breasts.	13 of the family. Yes, ma'am.
21 Just say "stop" and I will stop the footage, okay?	14 Q. You told her mom, right?
22 MR. URBIS: Objection. Asked and answered; 23 argumentative.	15 A. Yes, ma'am.
24 MS. RODRIGUEZ: Same.	16 Q. You saw that clip?
25 (Video played.)	17 (Video played.)
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1 //	1 //
2 BY MS. HOUSE:	2 BY MS. HOUSE:
3 Q. Officer Tuli, are (audio distortion) --	3 Q. Did you hear her ask, "She's like 14?" And you
4 A. I'm sorry?	4 said, "Yeah."
5 Q. Are you watching the screen?	5 A. Okay.
6 A. Yes, ma'am.	6 (Video played.)
7 Q. Would this be around the time that Officer --	7 BY MS. HOUSE:
8 that your partner fixed her top?	8 Q. Where did you say she punched you, sir?
9 A. Probably. But we tried multiple times before she	9 A. In the face. In the jaw.
10 even got in the car.	10 Q. You said, "She punched me square in the Goddamn
11 Q. Sir, since she's been in the car, would this have	11 jaw right here." Didn't you say that?
12 been the first time someone came back to fix her top?	12 A. Sure.
13 A. That's what it appears, yes, ma'am. Again, to	13 Q. Yes or no, sir?
14 clarify, no one outside the vehicle can see her right now.	14 A. I did say that.
15 Q. Do you see the officer, female officer to the	15 (Video played.)
16 right? She has her hand on her shoulder, right? And you	16 BY MS. HOUSE:
17 see her right here fixing her top. Correct?	17 Q. I'm going to go -- we're going to talk about your
18 A. Oh, yes, ma'am. Sorry.	18 further communication.
19 Q. I'm going to share with you your body camera	19 (Video played.)
20 footage, sir. And I want to know who you told your	20 BY MS. HOUSE:
21 version of the story to.	21 Q. You told April Johnson's mom she called you white
22 Who did you tell your story to? After she	22 motherfucker; is that correct?
23 hit you, who did you tell -- who else did you communicate	23 A. Yes, ma'am.
24 with and told them that that girl hit you? You told	24 Q. Okay. And you also told her about the fact that
25 Officer Stopper, right? Because he's the one that had	25 she's going to jail because she punched you in the face,

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<p>1 right?</p> <p>2 A. Yes, ma'am.</p> <p>3 (Video played.)</p> <p>4 BY MS. HOUSE:</p> <p>5 Q. And at the end -- that was my timer, but I set a</p> <p>6 little buffer.</p> <p>7 (Video played.)</p> <p>8 BY MS. HOUSE:</p> <p>9 Q. This -- you're talking to A.N.E.R.'s mom and</p> <p>10 uncle, right?</p> <p>11 A. Yes, ma'am.</p> <p>12 (Video played.)</p> <p>13 BY MS. HOUSE:</p> <p>14 Q. You told the uncle that you punched her as well,</p> <p>15 correct?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. So you communicated this story to a lot of</p> <p>18 people, but you stated even though there may have been</p> <p>19 inaccuracies, it was your police report that everyone</p> <p>20 should rely on, right?</p> <p>21 A. No. I never said that at all. I just said my</p> <p>22 police report was more accurate.</p> <p>23 Q. Okay. Your police report was more accurate than</p> <p>24 the verbal accounts that you told because there was a lot</p> <p>25 going on, right?</p>	<p>Page 282</p> <p>1 THE REPORTER: When you say "standard form,"</p> <p>2 do you mean e-tran? Do you want it electronic or hard</p> <p>3 copy?</p> <p>4 MR. FRIGERIO: I'm speaking for the Law</p> <p>5 Offices of Charles Frigerio. We are one of your regular</p> <p>6 customers and y'all have that on file.</p> <p>7 THE REPORTER: Okay.</p> <p>8 MS. RODRIGUEZ: E-tran, electronic.</p> <p>9 MR. URBIS: E-tran is fine for the City.</p> <p>10 MS. HOUSE: I will take an electronic as</p> <p>11 well.</p> <p>12 THE REPORTER: Deposition concluded at</p> <p>13 5:47 p.m.</p> <p>14 Ms. House, are you going to send me the</p> <p>15 exhibits?</p> <p>16 MS. HOUSE: I will.</p> <p>17 THE REPORTER: Thank you so much.</p> <p>18 And everyone wants a copy of the exhibits as</p> <p>19 well?</p> <p>20 MR. FRIGERIO: I want the exhibits but not</p> <p>21 the videos.</p> <p>22 MS. HOUSE: These exhibits were provided</p> <p>23 prior to the deposition. We provided everything.</p> <p>24 Everything has been turned over.</p> <p>25 MR. FRIGERIO: We want copies of all the</p>
<p>1 A. Yes, ma'am. Absolutely.</p> <p>2 Q. Okay. So if we were going to match up the video</p> <p>3 between your police report, we should take the police</p> <p>4 report because that most accurately describes how you</p> <p>5 remember things happening that night, correct?</p> <p>6 A. Yes, ma'am.</p> <p>7 MS. HOUSE: Okay. No further questions.</p> <p>8 Pass the witness.</p> <p>9 MR. FRIGERIO: We'll reserve our questions.</p> <p>10 MS. RODRIGUEZ: Same. Reserve our</p> <p>11 questions.</p> <p>12 MR. URBIS: We'll reserve our questions.</p> <p>13 MR. FRIGERIO: We're done.</p> <p>14 THE REPORTER: Okay. Can I get the order of</p> <p>15 the transcript on the record?</p> <p>16 MR. FRIGERIO: Yes. Charles Frigerio,</p> <p>17 please send the original to me for signature and we will</p> <p>18 order a copy as well, my standard format.</p> <p>19 THE REPORTER: Okay.</p> <p>20 MS. RODRIGUEZ: Counsel for defendants</p> <p>21 Osoria and Groce as well, copies standard form.</p> <p>22 MR. URBIS: Same for the City of</p> <p>23 San Antonio.</p> <p>24 THE REPORTER: And, Ms. House?</p> <p>25 MS. HOUSE: Yes. We'll do the same.</p>	<p>Page 283</p> <p>1 exhibits used in this deposition.</p> <p>2 MR. URBIS: Any exhibit reference, yes,</p> <p>3 except for -- are you producing video also?</p> <p>4 THE VIDEOGRAPHER: That's my final question</p> <p>5 here. I know, Ms. House, you'll be taking a copy of the</p> <p>6 video as we discussed earlier, but any other parties need</p> <p>7 a copy of the video today?</p> <p>8 MS. RODRIGUEZ: I want to clarify which --</p> <p>9 what you're entering of exhibits once you started with the</p> <p>10 videos.</p> <p>11 MS. HOUSE: Okay. We have -- and I can use</p> <p>12 the Bates stamps for the City of San Antonio, because --</p> <p>13 I'll use the Bates-stamp numbers. This is COSA000271,</p> <p>14 COSA000265, COSA000267, COSA000245, COSA000235,</p> <p>15 COSA000236. There's two -- 237; 249; 246; 28 through 29,</p> <p>16 196 through 215, Johnson 168 through 183; Trial</p> <p>17 Exhibit 70, there's A through I believe it was J -- L,</p> <p>18 excuse me; A through L, 70. There was 70, and then there</p> <p>19 was 70A through L; Johnson -- Plaintiffs' Trial</p> <p>20 Exhibit 71, 71A, 71B; Trial Exhibit 77; Plaintiffs' Trial</p> <p>21 Exhibit 78, 79, 80, and 81. And if I'm missing something,</p> <p>22 I'll make sure that you all get that, but I believe that</p> <p>23 is a fair and accurate representation of the exhibits used</p> <p>24 during the deposition.</p> <p>25 MR. FRIGERIO: And to be clear, I want a</p>

Gary Tuli

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1	copy of those exhibits attached to the deposition.	1 I, GARY TULI, have read the foregoing deposition and		
2	MS. RODRIGUEZ: Same.	2 hereby affix my signature that same is true and correct,		
3	MR. URBIS: So we have a clean record, same.	3 except as noted above.		
4	MS. HOUSE: We do as well.	4		
5	(Deposition concluded at 5:47 p.m.)	5		
6	(Witness reserves signature.)	6		
7	* * * * *	GARY TULI		
8		8 THE STATE OF _____ )		
9		9 COUNTY OF _____ )		
10		10 Before me, _____, on this day		
11		11 personally appeared GARY TULI, known to me or proved to me		
12		12 under oath or through _____ to be the person		
13		13 whose name is subscribed to the foregoing instrument and		
14		14 acknowledged to me that they executed the same for the		
15		15 purposes and consideration therein expressed.		
16		16 Given under my hand and seal of office this		
17		17 _____ day of _____, 202_____.		
18		18		
19		19		
20		20		
21		21 NOTARY PUBLIC IN AND FOR		
22		22 THE STATE OF _____		
23		23		
24		24 My Commission expires: _____		
25		25 Job No. 79982		
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1	ERRATA SHEET		1 UNITED STATES DISTRICT COURT	
2	WITNESS NAME: GARY TULI		2 WESTERN DISTRICT OF TEXAS	
3	DATE OF DEPOSITION: November 23, 2020		3 SAN ANTONIO DIVISION	
4	PAGE	LINE	CHANGE	REASON
5	_____	_____	_____	_____
6	_____	_____	_____	_____
7	_____	_____	_____	_____
8	_____	_____	_____	_____
9	_____	_____	_____	_____
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23	_____	_____	_____	_____
24	_____	_____	_____	_____
25	_____	_____	_____	_____
1	APRIL JOHNSON, an _____ )			
2	individual, A.N.E.R., _____ )			
3	("a minor child"), an _____ )			
4	individual, _____ )			
5	Plaintiffs, _____ )			
6	vs. _____ )			
7	THE CITY OF SAN ANTONIO, _____ ) No. 5:19-cv-00733-DAE			
8	OFFICER GARY TULI (BADGE _____ )			
9	#517, individually and _____ )			
10	in his official capacity, _____ )			
11	OFFICER JESSICA OSORIA _____ )			
12	(BADGE #1422), _____ )			
13	individually and in her _____ )			
14	official capacity, _____ )			
15	OFFICER DANIEL GROCE _____ )			
16	(BADGE #1182), _____ )			
17	individually and in his _____ )			
18	official capacity, AND _____ )			
19	DOES 1 through 25, _____ )			
20	Defendants. _____ )			
21	_____ )			
22	REPORTER'S CERTIFICATION			
23	ORAL VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF			
24	GARY TULI			
25	November 23, 2020			
19	I, Rachelle Thompson, Certified Shorthand Reporter in			
20	and for the State of Texas, Registered Professional			
21	Reporter and Certified Realtime Reporter, hereby certify			
22	to the following:			
23	That the witness, GARY TULI, was duly sworn by the			
24	officer and that the transcript of the oral deposition is			
25	a true record of the testimony given by the witness;			

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1 That the deposition transcript was submitted on  
2 December \_\_\_, 2020, to the witness or to the attorney for  
3 the witness for examination, signature and returned to me  
4 by \_\_\_\_\_, 202\_\_;

5 That pursuant to information given to the deposition  
6 officer at the time said testimony was taken, the  
7 following includes all parties of record and the amount of  
8 time used by each party at the time of the deposition:

9 Ms. Artesia K. House - (6h50m)  
10 Attorney for the Plaintiffs  
10 Mr. Charles S. Frigerio - (0h0m)  
11 Attorney for the Defendant Tuli  
11 Mr. Michael J. Urbis - (0h0m)  
12 Attorney for the Defendant City of San Antonio  
12 Ms. Clarissa Rodriguez - (0h0m)  
13 Attorney for Defendants Groce and Osoria

14 I further certify that I am neither counsel for,  
15 related to, nor employed by any of the parties or  
16 attorneys in the action in which this proceeding was  
17 taken, and further that I am not financially or otherwise  
18 interested in the outcome of the action.

19 Certified to by me this 7th day of December, 2020.

*Rachelle Thompson*

21 \_\_\_\_\_  
22 Rachelle Thompson, CSR, RPR, CRR  
22 Certified Shorthand Reporter  
23 Texas CSR No. 4003, Expires: 07-31-21  
23 Firm Registration No. 631  
24 Kim Tindall & Associates, LLC  
24 16414 San Pedro, Suite 900  
25 San Antonio, Texas 78232  
25 (210) 697-3400

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